

SENATE

THURSDAY, NOVEMBER 18, 1954

(Legislative day of Wednesday, November 10, 1954)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou great Father of us all, we thank Thee for the glorious revelation that the heart of the eternal is most wondrously kind and that we can come as little children, trustful and happy, to the God of love. All the tender beauty of our human love and the care for others which reaches out to their want and woe is the reflected radiance of Thy loving kindness, even as moonlight but testifies to the blazing sun, which fashions it and throws its silvery mantle over the earth. Since Thou art our Father, may we not attempt to hide our sins from Thee, but to overcome them by the stern comfort of Thy healing presence. Knowing that we live in a universe where, while all is love, all is also law, reveal to us the larger goodness that speaks through the unbending order of the world.

And now, as we face the pressing concerns of this day, may no passing irritations rob us of our joy in one another. Forgive us for our keenness in seeing human failings and our slowness in being aware of the virtues of those who toil by our side. May there be no sharp words that wound and scar. And may no rift of opinion widen into estrangement. May there be nothing in this day's work of which we shall be ashamed when the sun has set, nor in the eventide of our own brief day when our task is done and we have finished the work Thou gavest us to do. We ask it all in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of Wednesday, November 17, 1954, was dispensed with.

SENATOR FROM DELAWARE

Mr. WILLIAMS. Mr. President, I present the certificate of election of my colleague, the junior Senator from Delaware [Mr. FREAR], to be a Senator from that State for a term of 6 years beginning on the 3d day of January 1955.

The PRESIDENT pro tempore. The certificate will be read.

The certificate of election was read, and ordered to be placed on file, as follows:

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November 1954, J. ALLEN FREAR was duly chosen by the qualified electors of the State of Delaware a Senator from said State to represent said State in the Senate of the United States for a term of 6 years, beginning on the 3d day of January 1955.

Witness: His Excellency, our Governor, J. Caleb Boggs, and our seal hereto affixed at Dover, this 12th day of November, in the year of our Lord, 1954.

J. CALEB BOGGS,
Governor.

By the Governor:
[SEAL] JOHN N. McDOWELL,
Secretary of State.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. KNOWLAND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Abel	Fulbright	Mansfield
Aiken	George	Martin
Anderson	Gillette	McClellan
Barrett	Goldwater	Monroney
Beall	Green	Morse
Bennett	Hayden	Mundt
Bridges	Hendrickson	Murray
Brown	Hennings	Neely
Bush	Hickenlooper	Pastore
Butler	Hill	Payne
Byrd	Holland	Potter
Capehart	Hruska	Furtell
Carlson	Humphrey	Robertson
Case	Ives	Russell
Chavez	Jackson	Saltonstall
Clements	Jenner	Schoeppel
Cotton	Johnson, Colo.	Smith, Maine
Crippa	Johnson, Tex.	Smith, N. J.
Daniel, S. C.	Johnston, S. C.	Sparkman
Daniel, Tex.	Kefauver	Stennis
Dirksen	Kilgore	Symington
Douglas	Knowland	Thye
Duff	Kuchel	Watkins
Dworshak	Langer	Welker
Eastland	Lehman	Wiley
Ervin	Lennon	Williams
Ferguson	Long	Young
Flanders	Magnuson	
Frear	Malone	

Mr. SALTONSTALL. I announce that the Senator from Ohio [Mr. BRICKER] is absent by leave of the Senate on official business.

The Senator from Kentucky [Mr. COOPER], the Senator from Oregon [Mr. CORDON], the Senator from Wisconsin [Mr. MCCARTHY], and the Senator from Colorado [Mr. MILLIKIN] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from Ohio [Mr. BURKE] and the Senator from Louisiana [Mr. ELLENDER] are absent on official business.

The Senator from Tennessee [Mr. GORE] and the Senator from Florida [Mr. SMATHERS] are absent by leave of the Senate on official business.

The Senator from Massachusetts [Mr. KENNEDY] is absent by leave of the Senate because of illness.

The Senator from Oklahoma [Mr. KERR] is necessarily absent.

The PRESIDING OFFICER (Mr. CARLSON in the chair). A quorum is present.

Routine business is now in order.

THE DIXON-YATES CONTRACT

Mr. MONRONEY. Mr. President, in my opinion, one of the most deplorable aspects incident to the Dixon-Yates contract has been the lowering of the standards of the Atomic Energy Commission, which heretofore has been an organization completely removed from all political ties and implications so far as the representation of the two political parties is concerned. The interjection of political lines into the Atomic Energy Commission, which is of vital importance to American industry and to the development of our country, must be greatly deplored, when we consider the damage such interjection has done to the Commission's vast and important duties.

A very splendid article was written on the subject by the first Chairman of the Atomic Energy Commission, Mr. David E. Lilienthal, and published in the St. Louis Post-Dispatch of November 15, 1954.

I ask unanimous consent that the article may be incorporated in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLITICALIZING OF AEC

President Truman had nothing to do with agency's power contracts or anything else, always conferred with all members of Commission, former Chairman says; these measures were essential to keep it out of politics, into which it is now plunged.

A LETTER TO THE EDITOR OF THE NEW YORK TIMES

The author of the following letter was Chairman of the Atomic Energy Commission from 1946 to 1950. He had been a member of the Board of Directors of the Tennessee Valley Authority from its inception, in 1933, to 1946, the last 5 years as chairman.

"The writer has been distressed to note that increasingly, during the past year or so, in the press, in public discussions, and in the public mind generally the Atomic Energy Commission has come to be thought of, for the first time in its history, in terms of political affiliations or obligations of its members.

"On important matters, such as the verdict in the Oppenheimer case or the current issue over the Dixon-Yates power contract, the conflicting views of the Commissioners have been reported as if the AEC were a bipartisan body, organized on political lines, or even as an arm of the administration in power.

"For example, Chairman Strauss (although he had served on the AEC for 3½ years by appointment of President Truman) is now commonly identified in the press as a Republican member or an Eisenhower appointee in contrast with Dr. Smyth, Mr. Zuckert, and Mr. Murray, who were described as the Democratic members, as the Truman holdovers, or in similar political terms.

"AN UNDELIBERATE CHANGE

"This has now come to be more than merely a matter of the terminology of public discussion and journalism.

"A fundamental transformation is in process in the very character of the body entrusted with the future of atomic science, the vast atomic industry and nuclear weaponing.

"That the change does not appear to have been a deliberate one does not make the result any less disturbing, nor the potential consequences, in the writer's opinion, less injurious to the national interest.

"It therefore seems relevant to recall that Congress, in 1946, established the AEC as a nonpartisan, not as a bipartisan, body. It was to be nonpolitical, not bipolitical.

"The members of the first Commission were not appointed as Democrats or Republicans.

"The Democratic National Committee, Democratic Members of Congress, and President Truman, either as head of his party or as Chief Executive, had nothing whatever to do with AEC's contracts for power supply, for equipment, the location of plants, or the employment of personnel.

"All the Commissioners joined in the AEC's communications to the President; major policy discussions with the Chief Executive were almost invariably between the President and the entire Commission.

"Such practices were deemed essential to promote and preserve the integral and a political character of the Commission and of the enterprise itself.

"The establishment of a strictly nonpolitical atmosphere in the AEC goes back to the very beginning: the nomination of the first Commissioners.

"At his press conference in October 1946, in which President Truman announced the membership of the first AEC, a reporter inquired about the politics of the five men he had nominated.

"FIVE ABOVE POLITICS

"Mr. Truman announced that he hadn't asked about their politics, that he wasn't interested in knowing what party they belonged to. This was literally true.

"When President Truman asked me to become a member and Chairman of the first AEC (in September 1946) he told me he had already designated two members, in addition to myself. He asked me to suggest the names of two other men to fill out the membership. This I did.

"Mr. Truman did not ask me about the political affiliations of the men I proposed (Robert F. Bacher and William W. Waymack). Nor did I ask them any questions about their politics.

"In point of fact, on this first Commission there were three men who in private life had been active and influential Republicans: the present AEC Chairman, Adm. Lewis L. Strauss, a close associate of former President Hoover; W. W. Waymack, editor of staunch Republican newspapers, the Des Moines Register and Tribune; Sumner T. Pike, then and now active in the Republican Party of Maine.

"BY LAW, NOT BY DRIFT

"It certainly did not occur to anyone at the time the AEC came into being, in 1946, that a public body with such vast powers over the security, the science, and the industry of the whole Nation, operating largely in secret, should take into account the fact that its members had been appointed by a Democratic President nor that it should function as a bipartisan group of Democrats and Republicans.

"If the country and the Congress intend that the affairs entrusted to the AEC be administered on a political basis—I, e., be part of the Eisenhower and succeeding administrations, or conduct its affairs as a bipartisan body—the issue should be faced frankly and the law changed to give effect to this conclusion.

"We should not, however, continue to drift into so momentous a change.

"DAVID E. LILIENTHAL,

"NEW YORK."

MCCARTHY'S RECORD

Mr. JENNER. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "McCarthy's Record," written by Willard Ed-

wards, which was published in Human Events, of Washington, D. C., on November 10, 1954.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MCCARTHY'S RECORD (By Willard Edwards)

During the next 4 or more weeks, the faults and virtues of Senator McCarthy, Republican, of Wisconsin, will be violently debated. Then a vote will be taken on whether he should be officially reprimanded for rough and contemptuous language and conduct in his role as chairman of the Senate Permanent Investigations Subcommittee. Five "lame-duck" Senators, repudiated by the voters at the polls, will participate in that vote. Two others, who are ending their terms by resignation, will cast their last votes as Senators. Five of the seven are opponents of McCarthy.

The record of McCarthy's accomplishments or lack of them will be a weighty factor in the debate. This article will attempt a factual review of his achievements as chief of the Senate's principal investigating unit.

McCarthy has been labeled by his enemies as a headline hunter, insatiable for personal publicity, whose sensational probes have never exposed a Communist or spy. His defenders have claimed in his behalf that he has performed valuable services for his country, alerting public opinion to the menace of communism, laying bare the subversive infiltration of civilian and military government.

The following table compares the work of the McCarthy investigating subcommittee, in terms of witnesses and hearings, with its operations under Democratic control in 1952:

	Democratic control, 1952	Republican control	
		1953	1954
Days of hearings.....	26	169	30
Number of witnesses....	44	541	112

The subcommittee was immobilized for 7 months of 1954 by investigations of charges against Chairman McCarthy and his staff.

Has McCarthy failed to uncover a single Communist or subversive as charged by his opponents?

The answer is provided from official reports of action taken by Government departments and defense industries after the McCarthy subcommittee's investigations have disclosed evidence indicating employees are potential sources of information to the enemy.

The official decisions reveal the following: Army, Government and defense-industry employees discharged, or suspended as security risks, or who resigned, after McCarthy investigative hearings, 65.

Army employees suspended but restored to duty after clearance of charges involving loyalty and security, 15.

Net total, 50.

The record supplies another figure.

Witnesses not now in Government employ or defense plants (and therefore not subject to discharge or suspension) who invoked the 5th amendment, pleading possible self-incrimination, when asked about Communist activities or espionage, 64.

By legal standards, demanding proof of guilt beyond a reasonable doubt, none of the 114 individuals listed in these 2 tables can be branded a Communist, traitor, or spy. The verdict of public opinion will classify them as subversives whose activities are a menace to national security and whose ex-

posure has resulted in protection to that security.

The above figures cover the 1953-1954 period when McCarthy was Chairman of the Senate investigating group. He was active for only 14 months, having been immobilized since March 1954, by two investigations of his activities, the latter resulting in recommendations for censure on the grounds of senatorial misconduct.

From 1950 to 1952, McCarthy was a one-man investigator. He produced a list of 81 security risks in the State Department, naming among others Owen Lattimore, Philip C. Jessup, John Carter Vincent, Haldore Hanson, John Stewart Service, Oliver E. Clubb, and Edward G. Posniak. All of the 81 persons on McCarthy's list have since left the Government's employ by dismissal or resignation. The last State Department employee, John P. Davies, Jr., was fired by State Secretary Dulles Friday. The cleaning out of a nest of homosexuals in the State Department was mainly due to the investigative efforts of McCarthy in this earlier period.

But Senate debate properly will be concentrated on McCarthy's operations as an investigating subcommittee chairman since January 1953. This record reveals McCarthy as one of the most active chairmen in Senate history. In 1953, he held 169 executive and open hearings and questioned 541 witnesses. This compared with 26 days of hearings and 44 witnesses during 1952 when the subcommittee was under Democratic control.

CONSTRUCTIVE RESULTS

Several McCarthy investigations, which attracted little publicity because they did not involve communism angles, exposed waste and inefficiency in Government and resulted in savings of millions of dollars to the taxpayers. McCarthy investigated inefficiency and waste in the Voice of America as well as subversion in that propaganda arm of the United States.

He probed communism in defense plants, resulting in the suspension or discharge of 22 employees. Investigators have accumulated evidence involving an additional 155 workers but the stop order on the McCarthy subcommittee, sponsored by the Democratic minority, has prevented questioning of these individuals under oath.

The least publicized phase of McCarthy's accomplishments may constitute his most lasting achievement. It is unquestioned that his investigations have forced changes in military policy which have tightened up security, made Communist infiltration of the Army more difficult, and put additional obstacles in the path of potential spies and traitors.

President Eisenhower, Defense Secretary Wilson, and Army Secretary Stevens admitted as much. Last March 3, the President confessed that the Army had made "serious errors" in handling the case of Maj. Irving Peress, who was promoted, given special immunity from duty outside the United States, and finally given an honorable discharge with the full knowledge of the Army that he had been identified as a Communist organizer and had pleaded possible self-incrimination in refusing to answer the charge.

Secretary Stevens also announced he had ordered procedures corrected to avoid another Peress case in the future. The Defense Department, as a result of McCarthy's investigations, has adopted changes in policy governing the military personnel security program.

It has ordered that loyalty oaths be administered to servicemen before, not after, enlistment or induction. It has revised regulations and procedures to make certain that no Army officer, as in the Peress case, may be commissioned or advanced in grade, while he is under investigation as a security risk. An absolute bar has been set up to prevent favorable action, including promotion, being

taken in the case of an officer who refuses to disclose his past record in connection with subversive organizations.

It took four investigations by McCARTHY to bring about this improvement in procedures. In addition to his exposure of the Peress case, McCARTHY questioned Dr. Marvin Belsky, Pvt. David Linfield, and Sidney Rubenstein. Belsky served as a private in the Army after being denied a commission. He invoked the fifth amendment on communism when questioned. Linfield was retained in the Army after pleading the same privilege against possible self-incrimination on Communist activities.

The case of Rubenstein provoked the indignation of the McCarthy subcommittee members. He admitted he had been drawn into Communist activities as a teen-ager but had severed connections at the age of 17. Drafted 4 years later, he freely told of his youthful record and pleaded to be allowed to sign the loyalty affidavit. The Army refused him the honorable discharge which it had given to Major Peress, who refused to sign the same affidavit. Rubenstein got a general discharge—a grade lower than an honorable discharge.

These glaring inconsistencies, which would never have come to light except for the McCarthy inquiries, led to a general revamping of Army policy and procedures in regard to security and loyalty. The McCarthy investigations of defense plants led to the adoption of a new policy by several companies which speeded the departure of a large number of security risks from their establishments.

These corporations hitherto had been helpless to fire employees suspected of subversive connections, even though these workers had access to restricted areas where American defense weapons were being secretly manufactured. Military intelligence and FBI reports on the activities of such men could not legally be presented to justify their dismissals.

But hearings held by the McCarthy subcommittee resulted in the summoning of potential spies and saboteurs to answer under oath the charge that they were Communist agents. When the witness refused to deny the truth of such a charge, pleading that he might thereby involve himself in prosecution for a crime, a prima facie case was established of his subversive tendencies.

The Westinghouse Electric Corp., Buffalo, N. Y., on August 20, 1954, announced a policy of suspending employees who invoked the fifth amendment at these congressional hearings. Ten days later, local 1581, CIO International Union of Electrical Workers, at Westinghouse adopted a policy of requiring stewards to sign non-Communist affidavits after the McCarthy subcommittee had presented evidence concerning workers in the plant.

The General Electric Co., with headquarters at Schenectady, N. Y., had earlier adopted the same policy of suspending workers who invoked the fifth amendment before the McCarthy subcommittee. The International Telephone & Telegraph Corp. adopted the same policy as a result of hearings by McCARTHY into subversion at the Federal Telecommunications Laboratories in New Jersey which performs secret work for the Army Signal Corps.

Among those suspended and subsequently discharged, under this policy, in the General Electric Co., at Lynn, Mass., were the following: Robert Goodwin, Nathaniel Mills, Henry C. Archdeacon, Donald H. Morrill, and Witulad Plekarski. Suspended, with action on discharge pending were Victor Bolys, Alexander Gregory, and Theodore Pappas.

Suspended at the Schenectady plant of the General Electric Co. were Sidney Friedlander, Robert P. Northrop, Arthur L. Owens, Joseph A. Gebhardt, Emanuel Fernandez, Gordon Belgrave, Dewey F. Brashear, and Louis Passikoff.

In the General Electric plant at Fitchburg, Mass., the following were suspended: Joseph O. Mattson, Waino E. Suoko, and Waino S. Nisula. Diantha Hoag was suspended at Westinghouse, Buffalo.

FORT MONMOUTH

The most important investigation conducted by McCARTHY during his chairmanship was that involving potential espionage at Fort Monmouth, N. J. This is the headquarters of the secret radar laboratories of the Army Signal Corps.

This inquiry led McCARTHY into conflict with Stevens and the Pentagon and precipitated hearings before a special committee headed by Senator MUNDT, Republican, of South Dakota. The committee eventually found that Stevens had improperly sought to terminate the Fort Monmouth investigation. It also found that McCARTHY's staff had improperly sought favors for Pvt. G. David Schine, a former McCARTHY staff consultant, although it exonerated the chairman of personal blame.

The Fort Monmouth inquiry has been called a hoax and fraud in the anti-McCARTHY press and statements made that the investigation never disclosed a spy or a Communist in the Army post. A review of the evidence gathered during many months of the probing will be presented here.

Fort Monmouth is one of the Nation's most vital security centers. It houses three research centers, dealing with electronic warfare countermeasures, radar, nucleonics, thermionics, and related subjects. In these laboratories are developed the defense devices designed to anticipate the effect of an enemy atomic attack upon the United States.

From the viewpoint of the average American citizen, security at this Army Signal Corps installation is more vital than security at the Los Alamos atomic testing grounds. In the latter weapons are developed to attack the enemy. In the former are developed those instruments of defense calculated to protect us from the enemy's weapons.

A high security officer told the subcommittee that if just one Communist, willing to sell out the United States to Russia, was employed at Fort Monmouth, the Soviet Union had access to every electronic countermeasure emanating from American genius.

Fort Monmouth was an early target of Russian espionage. For 14 years, the Army has been seeking to check leaks of information from this center to enemy agents. A total of 500 persons has been investigated in the post since 1940. Many months before the United States was brought into World War II, Military Intelligence was disturbed by reports from overseas which indicated Russia was obtaining data on American experiments with electronic devices.

In 1940, a technician named Julius Rosenberg became a Signal Corps employee. He kept his job 5 years. Not until years later was he to achieve world notoriety as the first American spy ever to receive a peacetime death sentence and die in the electric chair with his wife. He was a Signal Corps inspector and had access to Fort Monmouth and its affiliated installations.

A description of Rosenberg's activities in and about Fort Monmouth was given to the subcommittee in sworn testimony by David Greenglass, now serving a 15-year sentence in the Federal penitentiary at Lewisburg, Pa., for conspiracy to commit espionage. Greenglass was a member of the Rosenberg atomic spy ring who confessed his guilt. His testimony aided in the conviction of the Rosenbergs. He was a brother of Ethel Rosenberg.

Greenglass testified that Rosenberg told him he stole the proximity fuse, a device attached to bombs, shells, and war-rocket heads which detonates explosives without coming into actual contact with the target. This theft took place at the Emerson Radio

Co., one of the plants affiliated with the Signal Corps headquarters at Fort Monmouth. Greenglass testified that Rosenberg handed the proximity fuse, then a guarded American secret, to a Russian agent.

Rosenberg, according to Greenglass, also stole top-secret documents dealing with electronics data and as late as 1947 obtained data concerning an electronic computer from an agent in the Signal Corps. This device is essential to the manipulation of interceptor guided missiles which knock out an enemy's guided missiles detected by radar and its course predicted by the computer.

When Rosenberg left the Signal Corps in 1945, Greenglass testified, he retained his Signal Corps contacts. Greenglass and Rosenberg formed an engineering company as a "cover" and Rosenberg made trips to Signal Corps installations which he told his partner were for espionage purposes. Greenglass named members of the Rosenberg spy ring who remained with the Signal Corps after the master spy left. Among them were Joel Barr, who fled the country in 1950, and Mrs. Vivian Glassman. Joseph Levitsky, another Signal Corps employee, secured a transfer to the Federal Telecommunications Laboratory, Nutley, N. J., with Rosenberg as a reference. The laboratory is engaged solely in electronics work for the Government, operates under the same secret conditions that prevail at Fort Monmouth and is, in effect, a branch of the supersecret radar laboratories. Mrs. Glassman and Levitsky were questioned by the subcommittee. Both refused to testify when asked whether they were spies.

The picture of potential espionage was brought up to February 1953, with the questioning of Levitsky. He had resigned in that month and when he was asked whether he had sought to enlist spies at Fort Monmouth since that date, he refused to answer, asserting an answer might involve him in prosecution for a crime.

Four witnesses then identified Harry Hyman, an FTL worker, as a man who attempted to recruit them as Communists in the plant. He was asked whether he had been, and still was, a Soviet spy. His only answer was a snarl that Senator McCARTHY was a "Fascist." Additional evidence revealed that Hyman had been in constant touch with employees at Fort Monmouth, the Navy air rocket test station, the Air Force transportation control depot, and the secret Army testing ground at Aberdeen, Md.

FIFTH-AMENDMENT WITNESS

McCARTHY then brought the evidence of potential espionage to the very date (November 1953) of the hearing. He questioned Mrs. Ruth Weiner Levine, a divorcee, American born. Until the day she received a subpoena to testify, Mrs. Levine had been a trusted employee for 10 years of the Federal Telecommunications Laboratories, with duties so confidential that security warrant officers barred their description. She had top-secret clearance, a privilege reserved to a small and exclusive group of employees which gave her access to information in the highest category of secrecy in electronics for the Army Signal Corps and other Government agencies.

Material rated as top secret by the military is defined as information which, if improperly disclosed, could lead to war against the United States by a foreign government; defeat planned operations of war by the United States; or cause a loss of scientific or technical advantage of such importance as to affect materially the outcome of a war of major importance.

Mrs. Levine was asked whether she was a Communist Party member and engaged in a conspiracy to commit espionage. She refused to answer, asserting the privilege against self-incrimination.

This woman had been subjected to rigid screening in 1950 by Military Intelligence but nothing was found to connect her with

subversive activities. Only the power of the congressional subpoena, which required her to testify under oath, had found her out. Before she appeared before the McCarthy subcommittee, she resigned. Except for the McCarthy investigation, she presumably would today be working in one of the Nation's most secret electronics laboratories, with free access to the Nation's radar secrets.

Additional witnesses who had worked with the Army Signal Corps at Fort Monmouth or its affiliated laboratories refused to testify when asked about Communist activities. They included Sidney Glassman, Ezekiel Heyman, Eleanor Hutner, Leo Kantrowicz, Louis Kaplan, Frank M. McGree, Ernest Pataki, and Joseph Percoff.

Under legal standards, none of these witnesses could be convicted as a Communist conspirator. The crime of espionage is not only one of the most difficult to detect but one almost impossible to prosecute in court. The Rosenbergs were not sentenced to death for espionage, but for conspiracy to commit it and the testimony of a fellow conspirator was essential to obtain a guilty verdict.

Critics of the Fort Monmouth investigation have assailed McCarthy for not uncovering legally provable espionage. McCarthy has replied that he will let the American public decide whether the refusal of an employee to deny spying should justify a verdict of not guilty.

In addition to the presence of potential spies, the investigation disclosed the wholesale disappearance of secret documents. A security investigation at the Army post in 1952 revealed hundreds of missing plans, unaccounted for to this day.

The Pentagon-McCarthy hearings revealed that the FBI, from 1949 onward, had been warning of security risks at Fort Monmouth. Not until the McCarthy investigation started in 1953 did the Army suddenly take interest in reports of subversion. From August 19, 1953 to October 27, 1954, the Army has suspended a number of security risks at Fort Monmouth, ranging in rank from technicians to top rank scientists.

Fifteen have been cleared and restored to duty with full security privileges. Each time such action was taken, the Pentagon issued a press release, identifying the individual, and the anti-McCarthy press gave full publicity to the fact that another "McCarthy victim" had been exonerated.

No publicity was ever given to the fact that six of those suspended were discharged as loyalty-security risks after full and exhaustive hearings before regional loyalty boards and the top screening board of the Pentagon. These men, unidentified were quietly dropped from the Army Signal Corps rolls. In addition, three of those suspended resigned rather than face investigation. This made nine workers, who presumably would still be laboring in the radar laboratories, if the McCarthy investigators had not initiated their investigation. Another 13 of those suspended have been put back to work but removed from areas where they would have access to secret material. Their cases still are under investigation.

During the Pentagon-McCarthy hearings, Secretary Stevens and other military witnesses admitted that if McCarthy exposed one potential spy at Fort Monmouth, he would have performed a public service.

The Fort Monmouth clean-up (August 19, 1953 to October 27, 1954).

Discharged as security risks.....	6
Resigned under investigation.....	3
Suspended and still under investigation..	6
Suspended but cleared and restored to duty.....	15
Suspended but restored to duty in non-secret areas pending further investigation.....	13

All discharges and suspensions were ordered by the Army after the McCarthy investigation started.

EXPOSURE OF WASTE

Other accomplishments of McCarthy may be summarized as follows:

Voice of America

Evidence revealed waste and mismanagement of such magnitude as to suggest deliberate sabotage or hopeless incompetence. The chief engineer of the Voice of America, George Herrick, was discharged after the hearings established that two huge radio transmitter towers, designed to broadcast United States propaganda to the far corners of the earth, were located in areas obviously unsuitable for such projects. Both projects were canceled as a result of the investigation and an estimated saving of \$18 million effected for the taxpayers.

An inquiry into Communist influence in the United States Information Service libraries overseas revealed more than 30,000 books either written by known Communists or Communist sympathizers or containing obvious pro-Soviet or Communist propaganda. State Secretary Dulles subsequently ordered the removal of books by Communist authors as conflicting with the purpose of libraries to "promote better understanding of America abroad" and "to combat and expose Soviet communistic propaganda."

State Department files

An investigation revealed that State Department files, dealing with Foreign Service personnel, under the system set up under the Truman administration, had been stripped of derogatory information concerning employees. They were so scattered through the Department that it was impossible to locate a complete file on any one employee or former employee.

When an employee was up for promotion, the promotion panel was unaware of information indicating he was a security risk. Employees testified that certain information was burned or otherwise destroyed in defiance of security regulations. Investigations of the FBI were hampered by these practices. The investigation resulted in a new system of file security with the State Department's administrator of security acknowledging that the McCarthy hearings had been very helpful in bringing about corrective steps.

The subcommittee's investigation revealed that more than \$2 billion worth of goods passed between Communist China and our western allies since June 1952. This trade had increased after Chinese Communist troops entered the Korean war. Chairman McCarthy secured an agreement with Greek owners of 327 vessels, totaling more than 3.5 million tons of ocean shipping, to remove voluntarily their vessels from actual or potential trade with China. President Eisenhower and Dulles characterized this deal as in the public interest.

Government Printing Office

The subcommittee inquiry resulted in findings that security risks, including persons with impressive records of Communist activity, were employed in the Government Printing Office which handles 250,000 pieces of secret and classified printing matter annually. The Army, Navy, Air Force, and State Department use the GPO for reproduction of restricted and confidential material. Although precautions were taken to maintain security by printing this matter piecemeal in separate areas of the printing plant, testimony revealed that a whole document became available to potential spies in the assembling section.

Edward Rothschild, employed in this assembly room, admitted he had access to this highly classified material up to the moment he was called before the subcommittee. Asked whether he was currently a spy and a member of the Communist conspiracy, he refused to answer, pleading possible self-incrimination under the fifth amendment.

The investigation developed that the FBI had forwarded reports on Rothschild, collected from more than 40 informants, but a loyalty board had ignored him. Members of the board based their attitude on a Truman administration rule holding that mere membership in the Communist Party was not a bar to employment. The exposure of Rothschild, who had retained his job 14 years despite the numerous FBI reports on him, was followed by his removal from his post in the assembly room.

The McCarthy investigation resulted in a complete revamping of the security system in the GPO. The loyalty board panel was removed and replaced by new personnel. Security regulations were overhauled and strengthened. Fifteen employees were removed from sensitive posts because of charges of Communist activity. Seventeen employees were suspended and the cases of 45 others were referred to the FBI for investigation.

OTHER ACCOMPLISHMENTS

The subcommittee's investigation exposed the operations of Government officials in 1944 in securing the delivery to the Soviet Union of currency plates, ink, paper, and other paraphernalia for the printing of occupation currency. This unprecedented action was taken over the objection of the Bureau of Engraving and Printing.

The transfer of these plates, together with the failure to establish any system of accountability, resulted in a financial drain upon public funds to the estimated amount of \$255 million. The United States was forced to redeem hundreds of millions of dollars of occupation currency, in excess of the amount printed by this Government for use in Germany, but was never able to establish how much of this currency was printed by the Soviet Union with our plates.

Testimony revealed that the Soviet spy ring in Washington headed by Nathan G. Silvermaster, engineered this deal with the assistance of Harry Dexter White, then assistant to Treasury Secretary Morgenthau. Other Treasury officials, including Harold Glasser, William L. Ullmann, and Frank Coe, aided in the operation. Silvermaster, Glasser, Ullmann, and Coe invoked the fifth amendment on grounds of self-incrimination when questioned by the subcommittee concerning their participation in this Communist plot.

The subcommittee was the first investigative agency to expose the murder, torture, starvation, and inhuman treatment given captured American personnel by North Korean and Chinese Communist troops during the Korean war. Twenty-nine witnesses, including 23 survivors or eyewitnesses of Communist atrocities, added their evidence to affidavits, statements, photographs, and official war records. A definite record was established of crimes against the Geneva Convention. Approximately two-thirds of American servicemen, taken prisoner, died from acts of barbarism, the subcommittee found. The massacre of large groups was revealed.

The subcommittee conducted an almost unnoticed investigation of inefficiency and waste in the administration of the Department of Health, Education, and Welfare, which annually distributes more than \$1.2 billion in aid to the blind, aged, permanently disabled, and dependent children.

The inquiry revealed that an estimated \$50 million annually were being lost to the Government because of failure to audit the eligibility of aid recipients. Social workers were found to be making practically no check on the legitimacy of claims and thousands of illegal claimants were collecting sums at the expense of the taxpayer. The subcommittee recommended the hiring of about 50 qualified accountants to review claims which would make possible savings of millions of dollars and bring about better administration of the Federal assistance program.

WILLIAM BRADLEY UMSTEAD

Mr. LENNON. Mr. President, God in his infinite wisdom has called a truly great American to his reward.

I refer to the late Gov. William Bradley Umstead, of North Carolina, a former Member of the United States Senate and the House of Representatives.

Many present here today knew him. North Carolina loved him. My distinguished colleague and I were both named to this body by Governor Umstead. We shall miss him until the last hour that we live.

William Bradley Umstead was not an ordinary man. He practiced the firm belief that public service is a duty. He was a tireless worker for all things right; he was a soldier, patriot, lawyer, statesman. He possessed the highest character and ability.

Governor Umstead was born on a tobacco farm in Durham County. He grew in the certain knowledge that the soil offered the fundamentals for the making of character, integrity, and freedom. Last week the farm boy was laid to rest beside his parents in a small country churchyard in his native community.

Stricken with a heart attack shortly after his inauguration as Governor of North Carolina in January of 1952, William B. Umstead was forced to retire to a hospital bed for a time. Many felt that was the end. They did not know Bill Umstead. In short order, his fighting spirit overcame for the time his serious affliction and he returned to his office to carry on the fight for a bigger and better North Carolina. Under the constant threat of death, he labored as few men have done to carry out his program.

But his condition became weakened and it was necessary for him to take a rest early this fall.

On Sunday morning, November 7, William Bradley Umstead quietly met his Maker, leaving a sorrowing North Carolina to mourn his passing along with his lovely widow and beautiful daughter. He had given his all, as a distinguished Christian gentleman and statesman, for those who gave him North Carolina's highest trust.

Mr. President, I ask unanimous consent that an editorial from the Greensboro Daily News of November 8, 1954, on the life of William Bradley Umstead be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WILLIAM B. UMSTEAD

With the death of Gov. William Bradley Umstead, the State of North Carolina loses a man of the finest character and ability. He was an excellent lawyer, a politician in the best sense of the word, a patriot, an indefatigable worker and a statesman. But all his accomplishments were solidly based on that strength of character out of which came his goodness, justice and wisdom.

He was a man whom conservatives looked on as a liberal and whom liberals looked on as a conservative; in truth those who knew him at all knew that he would invariably give careful consideration to any problem and then do exactly what he believed was right.

He was unusually reticent, and even shy for a man of his experience in public life,

but those who knew him intimately found in him a warmth of friendship and a keenness of humor that always lay beneath the surface. His family and most of his friends called him "William"; a few intimates called him "Bill."

Former Gov. Gregg Cherry, one of those who knew him best, wrote of him in State magazine shortly after his election:

"In my mind the things that characterize William Umstead are the following descriptive words: Honest, sincere, capable, earnest, conscientious, modest, hard working, fair, clean, serious, energetic—and above all other things a man of impeccable character."

"To merit such adjectives a man would have to be a man among men. Our next Governor is just that. Throughout the recent campaign he demonstrated to his closest advisers that he was a great deal more interested in fighting fair than in winning. Suggestions from some quarters that he 'rough it up' were met with the firm answer that he had rather not be Governor of North Carolina than to gain votes in any manner that might be described as ungentlemanly."

Born on his father's farm in Durham County in 1895, William Umstead went to the University of North Carolina, where he became an outstanding debater, speaker, and student leader. His career has no blemish on it. On graduating he taught school in Kinston for a year, and then entered the United States Army in 1917 from an officers' training camp, serving as first lieutenant in a machinegun company on the western front. Returning home after the war he studied law at Duke University, and then entered on a political career which took him from the post of solicitor in superior court to that of Representative in Congress, where he earned an enviable reputation for ability and fairness. Resigning, he practiced law in Durham for 5 years and then reentered politics, on his appointment by Governor Cherry to the United States Senate to succeed the late Senator J. William Bailey. Running for reelection he sustained his first and only defeat for public office, at the hands of former Gov. J. Melville Broughton. In 1952 he was elected Governor of North Carolina and served with great ability, courage, discretion, and devotion to his high office beyond the call of duty until his untimely death. His conscientiousness and high conception of patriotism would not allow him to spare himself. He died in the service of his State to which he had given so much of his life, thought, and work.

Our sympathy goes out to his family and to those who knew him intimately. The State and people of North Carolina have suffered a heavy loss; nevertheless his example will not be lost but will elevate the life of his State for many years to come.

Mr. LENNON. The certain hand of death has hit North Carolina all too frequently in recent years to strike down good and useful men in high political office. I need not list them all, but we shall never forget such men as Senators Josiah William Bailey, J. Melville Broughton, Willis Smith, Clyde R. Hoey, and William B. Umstead. God rest their souls. God give us the courage to live noble lives and follow the high standards of Christian and political conduct of men such as these. Let us all remember that public service is a duty and follow William Bradley Umstead's dedication to the high calling it offers.

RESOLUTION OF CENSURE

The PRESIDING OFFICER (Mr. CARLSON in the chair). The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the resolution (S. J. Res. 301) to censure the junior Senator from Wisconsin.

Mr. JOHNSON of Colorado. Mr. President, as one of the members of the select committee, I had intended to make a statement today with respect to the pending matter.

However, I have been informed by my good friend the able Senator from New Hampshire [Mr. BRIDGES] that the junior Senator from Wisconsin [Mr. McCARTHY] is quite ill. Therefore, I do not believe that a speech or statement contrary to his interests would be proper in the circumstances. If possible, I would want him to be present.

However, I ask permission now, if permission is necessary, to submit an amendment, on behalf of myself, the Senator from Virginia [Mr. BYRD], and the Senator from Texas [Mr. DANIEL], to Senate Resolution 301. I shall send it forward after I have read it to the Senate.

The amendment reads as follows:

At the end of the resolution, add the following new section:

"Sec. —. It is the sense of the Senate that the Communist Party of the United States is not a domestic political party in the usual tradition, but is a part of the international Communist conspiracy, a deadly menace to the United States, and the enemy of all democratic forms of government. Accordingly the Senate's appropriate committees should continue diligently and vigorously to investigate, expose, and combat this conspiracy and all subversive elements and persons connected therewith."

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. JOHNSON of Texas. As I understand, the Senator from Colorado wishes to submit the amendment and ask that it be printed and lie on the table.

Mr. JOHNSON of Colorado. That is correct. I wish to send it forward at this time and ask that it be printed and lie on the table.

Mr. JOHNSON of Texas. No consent is necessary to do that.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. WATKINS. Mr. President, on November 13, 1954, I received a telegram, which reads as follows:

MILWAUKEE, WIS., November 13, 1954.

Senator ARTHUR WATKINS,

Senate Office Building:

This is to confirm our request that you appear Monday at 9 o'clock a. m., in room 357 to give evidence in the case of Major Peress.

JOE McCARTHY,
Chairman, Subcommittee
on Investigations.

Mr. President, on November 15, 1954, at the hour of 9 a. m., I appeared in room 357, and later, at 10 o'clock, a hearing was held before the Subcommittee on Investigations.

Various excerpts from statements made at the hearing have been published in the press, many of them lifted out of context. So that the public may know exactly what happened, I ask unanimous consent that the entire transcript be printed in the body of the RECORD at this point in my remarks.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
SENATE PERMANENT SUBCOMMITTEE
ON INVESTIGATIONS OF THE COMMIT-
TEE ON GOVERNMENT OPERATIONS,
Washington, D. C., November 15, 1954.

The subcommittee met, pursuant to notice, 10 a. m., in room 357, Senate Office Building, Senator JOSEPH R. McCARTHY, chairman, presiding.

Present: Senator JOSEPH R. McCARTHY, Republican, Wisconsin; Senator EVERETT MC-KINLEY DIRKSEN, Republican, Illinois; Senator JOHN L. McCLELLAN, Democrat, Arkansas; Senator HENRY M. JACKSON, Democrat, Washington; Senator STUART SYMINGTON, Democrat, Missouri.

Present also: James Juliana, acting director; Bob Kennedy, chief counsel to the minority; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

May I say we have a rule that the flash photographers will not take pictures during the hearings. So if you men will desist taking pictures of the witness and the members of the committee during the hearing, it will be appreciated.

Senator WATKINS, you are called here this morning not to in any way answer for your activities as chairman of the Watkins committee. To ask you to answer about your activities on that committee would be, in my opinion, improper and beyond the jurisdiction of this committee.

However, in your report, you indicate that you have information in regard to a fifth-amendment Communist, Major Peress. I have been trying to find out for months who was responsible for the special treatment that this man got by those who knew that he was a fifth-amendment Communist.

If I may recite the facts of the case for the record briefly, Peress was identified as a Communist by an undercover agent—will you desist in taking flash pictures of the witness—Peress was identified under oath by a member of the New York Police Department as a Communist. He was identified as having attended a Communist leadership school.

We had before us, and you had before you, the affidavit which he signed first saying he was not a Communist when he joined the military, which would make him, of course, subject to court martial, up to 5 years, and then later the statement which he signed refusing to answer whether he was a Communist or not.

The reason you are here, Senator, as I say, has nothing whatsoever to do with your activities as chairman of the Watkins committee. But in view of the fact that you have indicated that you have information about who promoted him, I felt that I would be derelict in my duty if I did not call you here to give you an opportunity to tell us what information you have. I will be very much surprised if you have that information, but we will get down to that shortly.

You say, for example, that Peress was in no way responsible for the Zwicker matter—strike that—that Zwicker was in no way responsible.

STATEMENT OF THE HONORABLE ARTHUR V. WATKINS, A UNITED STATES SENATOR FROM THE STATE OF UTAH

Senator WATKINS. Will you call my attention to the place in the report where that appears?

The CHAIRMAN. I will be glad to. Page 60 of the report.

If you will refer to the bottom of the page, the last paragraph, I will quote: "He" (meaning McCARTHY) "did much to destroy the effectiveness and reputation of a witness who was not in any way responsible for the Peress situation, a situation which we do not

in any way condone. The blame should have been placed on the shoulders of those culpable and not attributed publicly to one who had no share in the responsibility."

We will not get into an argument, Senator, as to whether or not I blamed Zwicker for the situation, but you say here that he was in no way responsible. You say I should have put the blame on the shoulders of those who were culpable. I find that you and I do agree that someone was culpable, that someone was at fault for keeping a Communist in the military while we are spending billions of dollars trying to fight communism.

Therefore, I will ask you, question No. 1: Do you know who was, as you say, culpable? Senator WATKINS. No, I do not.

The CHAIRMAN. You do not?

Senator WATKINS. But I think I can help you find the information that will show who had the responsibility for the promotion of Peress and who also had the responsibility for directing his honorable discharge.

The CHAIRMAN. If you do that, you will be of great value to this committee, Senator.

We have asked Secretary Stevens for that information time after time. He has refused to give it to us. We do know who signed the order. We know the Adjutant General signs the order, but we are looking for the man, the secret master, if you could call him that, who is being protected.

If you can give us the name of the person who has been responsible, No. 1, for the promotion, knowing he was a Communist; No. 2, the change in duty orders to accomplish duty orders; and No. 3, the honorable discharge—if you can, as you say, help us get that information, then you would be of great value to this committee.

Senator WATKINS. With all the qualifications you put in, descriptions you put in, I, of course, may not be able to qualify the answer to comply strictly with that. But I can give you the source of information where you can get the names of the people who were responsible for his promotion and for his discharge, honorable discharge.

So I will proceed, if you will let me.

The CHAIRMAN. I will be delighted to.

Senator WATKINS. The statement you read from the report, of course, does not indicate that we knew who the culpable people were. We said that Zwicker was not the person. I can call your attention to the testimony in the hearing record, if you wish, to substantiate just what I am saying about that. Zwicker himself was not the responsible person.

The CHAIRMAN. Would you call my attention to that point?

Senator WATKINS. I will read it, if you don't mind. On page 505—

The CHAIRMAN. Just 1 minute until I get it—you may proceed.

Senator WATKINS. It is the first volume of the hearing record. Mr. Williams had been examining General ZWICKER.

The CHAIRMAN. Just so the record is straight. Senator WATKINS is now referring not to testimony taken before the investigating committee, but testimony taken before the Watkins committee.

Is that correct?

Senator WATKINS. That is right. Otherwise known as the select committee.

The CHAIRMAN. So when you say I knew what he was testifying to, you refer to what I knew after he appeared before your committee; is that right?

Senator WATKINS. That is right; yes.

I will read the testimony. Mr. Williams had been cross examining General ZWICKER, and then he said, "I have no further questions."

"The CHAIRMAN. Mr. de Furia, do you have further questions?"

"Mr. DE FURIA. Yes, sir.

"General, did you promote Peress?"

"General ZWICKER. I definitely did not.

"Mr. DE FURIA. Did you discharge him with an honorable discharge?"

"General ZWICKER. I did, sir.

"Mr. DE FURIA. Was that on your own initiative or under orders, sir?"

"General ZWICKER. It was under orders."

Now we can go on and get some additional testimony.

The CHAIRMAN. Senator, I wonder if you would do this for me. In your report—Senator WATKINS. May I say that was not contradicted before us.

The CHAIRMAN. I don't want to use the gavel on you.

Senator WATKINS. You don't need to. I am willing to cooperate with you a hundred percent.

The CHAIRMAN. May I ask you to do this. Obviously, if there is anything in your record which shows who was responsible for covering up for this Communist, I will want you to point that out. However, at the present time, I am referring to your report which says that, in effect, I knew that Zwicker was not responsible. So this had to be some thing antedating the testimony taken before your committee.

Could you show us any information which you have to show that Zwicker was not responsible, prior to what he said before your committee?

Senator WATKINS. I was not acquainted with the matter prior to that time. My information, of course, is based on what he said in the committee, on the uncontradicted evidence. No one contradicted him. That was his statement, and I assume it is true, and I think other information I have discovered since, which I think will answer the question that we were talking about, that is to help you find the information as to who handled the Peress matter—I can give that to you, because I have—

The CHAIRMAN. I wish you would, Senator. I wish you would have all the facts in mind. I refer you to the testimony taken before the investigating committee:

"Question. You know that somebody has kept him on knowing that he has refused to tell whether he was a Communist, do you not?"

"ZWICKER. I am afraid that would come under the category of the Executive order, Mr. Chairman.

"The CHAIRMAN. What?"

"ZWICKER. I am afraid an answer to that question would come under the category of the Presidential order."

So you know that prior to his appearance before our committee he did not deny that he personally as commanding officer was responsible. Do you know that?

Senator WATKINS. I am not sure about that, because all I would have is the record, and I have read so many records that I couldn't be sure as to that positive statement. But I do have some additional information in this record which indicates very clearly that he was not the person responsible.

May I read it?

The CHAIRMAN. You certainly may, but I want to get this in chronological order, if I may. You know, do you not—you knew when you signed the report, did you not—that Zwicker had refused to tell us who had ordered the promotion of Peress? Did you know that?

Senator WATKINS. I think I had the evidence. I had the full record of the hearing you held in New York City, at which General ZWICKER appeared. As I recall, in that he wasn't in a position, and he so told you, to give all the information that he would probably like to have given, because of orders.

The CHAIRMAN. Do you think today—and time is running out, and we have a session starting at 11 o'clock—do you think today you can give us information which will help us to nail down the man responsible for the protection of this Communist in the military, do you?

Senator WATKINS. I can give you information as to the men who had something to do with it, and probably all to do with it. If you will let me, I will proceed.

The CHAIRMAN. Would you do that, please. Senator WATKINS. Yes; I did want to read that other, but since you say time is running out—

The CHAIRMAN. Read whatever you care to. Senator WATKINS. All right.

After I got your telegram in Salt Lake City, or letter, and after I got back here, as soon as I could get to it, I called on Secretary Stevens to see what information I could get, and he did furnish me some information.

I will read now a letter which I think will tell where the material is:

"DEPARTMENT OF THE ARMY,

"Washington, June 23, 1954.

"DEAR SENATOR MUNDT:"—

This was addressed, so he advised me, to Senator MUNDT, the acting chairman of the committee which is now in session here—

"I refer to the case of Maj. Irving Peress, with which I am sure you are familiar. I have recently studied the thorough investigation made by the Inspector General of the Army of all the circumstances pertaining to this advancement in grade and separation from the service.

"This investigation disclosed no evidence of any subversive conduct with respect to personnel actions involving Peress. Furthermore, there is no evidence of disloyalty, pro-Communist influence, or any other type of misconduct reflecting on the loyalty, integrity, or patriotism of the officers or civilians who processed the case.

"The investigation, however, did reveal that in several instances improper administrative handling of papers resulted in unwarranted delays in processing actions concerning Major Peress.

"On the basis of the facts now known and limitations imposed by outmoded regulations, and legislation pertaining to doctors and dentists, my original conclusion that the Peress case was not handled as it should have been has been substantiated. As will be remembered, when I returned from the Far East, February 3, 1954, and in my letter to Senator McCARTHY dated February 16, 1954, I readily admitted that this case could have been handled better.

"The Inspector General's findings disclosed inordinate time was consumed in the processing of this case. Major commanders have been directed to take the appropriate steps against the individuals involved and at all levels of command administrative reforms consistent with existing law have been made, which I fervently hope will make it impossible for such errors to be made in the future.

"Further reference is made to the sealed envelope marked 'Confidential,' containing the names of Army personnel who in the course of their duties took some type of administrative action with respect to the disposition of Major Peress.

"As you will recall, on February 24, 1954, I agreed to submit to your subcommittee the names of these individuals as soon as they had been determined. In the course of the hearings, pages 1420 and 2253, I reiterated this promise, and by covering letter of May 13, 1954, I submitted to Mr. Jenkins in an envelope marked 'Confidential' the names of the individuals who had something to do with the Peress personnel actions. The covering letter, copy inclosed, was read into the transcript of the hearings at page 3761.

"Subsequently, on June 18, 1954, Lieutenant Murray, of my office, delivered to you an additional envelope marked 'confidential' to replace the first one. This was necessary because a name had been erroneously included in the first compilation. On this occasion you inquired about the confidential character of this list. In answer to your

question, I can only reemphasize my original request—that the names of these individuals not be made public under any circumstances.

"As you know, these names were obtained after a thorough investigation by the Inspector General of the Army. I wish to emphasize that the mere fact that the individuals are named as having some administrative responsibility or knowledge of the subject should in no way be construed to indicate culpability on their part. Should these names be made public, it would unnecessarily subject them and their families to unwarranted publicity completely out of proportion to the facts.

"I, therefore, request again that you do not publicize this list. To publicize these names without a full explanation of the circumstances surrounding their participation in the case could well cast public discredit upon the individuals concerned.

"In addition, such publication would go far to diminish the future effectiveness of the Inspector General Corps because, historically, investigations of this character have been successful information-gathering devices for commanders because of a strict adherence to the maintenance of a confidential relationship between the interrogator and the person interrogated. This is another reason for my definite desire not to have their names publicized.

"Also in the transcript, on page 2266, Mr. Jenkins stated: 'And then the names, as I understand it, the chairman ruled are to be submitted to this committee or to me as its counsel, privately and without exposing these names.' On page 2268 you stated: 'The other names requested should be submitted confidentially and to counsel for our committee.' See enclosure for full quote.

"Accordingly, it is my opinion that the confidential character of the list of names should be maintained and revealed only on a need-to-know basis to those who have a confidential clearance."

The Secretary advised me as a result of my inquiry that a list of 30 names, beginning with a general, had been given to Senator MUNDT, the acting chairman of this committee. Those were the names that were to be kept confidential. As I understood it from him, they contained all the names of those who had anything to do—any of the responsibility for the promotion and the honorable discharge of Major Peress. That information, I understand, came into the hands of Senator MUNDT, was delivered by a messenger—I mean the envelope that was marked confidential containing the names—and is now in the files of this committee and has been since June 23, 1954.

Now, I was further advised by Secretary Stevens that I could have a copy of that list, he exhibited an envelope which was marked confidential and sealed, that I could have a copy of those names. But he would expect me to keep them confidential. I said if your committee, if the McCarthy committee, has those names now, it is not necessary for me to have them, because that is their job. They can immediately go into executive session and call in these various persons to determine their share of the responsibility, whatever they did about it. I said, "Would you be willing to furnish these officers to see that they get here, or this personnel?" And he said, "We would do our level best to get them there upon the demand of this Permanent Committee on Investigations," the committee over which you preside, Senator.

The CHAIRMAN. I do not want to waste my time and the time of the Senators here, unless you have some information as to who is culpable. You say in your report "Zwicker was in no way responsible." I do not know what you know about the military. You should know, you made the statement, that a man is not promoted, he is not honorably discharged, unless his commanding officer makes the recommendation. If you read the record, you know that Secretary Stevens

promised to have an investigation made, that he would tell us who was, as you say, culpable—he did not use that word; he said at fault; you used the word culpable—in this case. That has never been done.

Now, if you merely intend to read from the transcript of the Mundt hearings, which you have been doing so far—

Senator WATKINS. I have been reading a copy of the letter from the Secretary to Senator MUNDT.

The CHAIRMAN. That is in the Mundt hearings, and has been in there for months.

Senator WATKINS. He told me this had not been made public before.

The CHAIRMAN. That is part of the Mundt hearings. Do you have any information today? Do you have any information today as to who was, as you say, culpable in this case?

Senator WATKINS. I have exactly what I have told you. I had no personal knowledge. I came to the conclusion, based on the uncontradicted testimony in our hearings, before the Watkins committee, that General Zwicker was not responsible. Then, in order to help this committee, because I am a member of the Internal Security Committee, which is charged with the responsibility of ferreting out these matters just as much as your committee—as a member of it I was personally very much interested in finding out, and I would like to find out.

But I do say now, in view of what has been said to me by the Secretary, as I have related it, that you do now have in your files the names of all the people who were responsible for the promotion and the discharge, the honorable discharge, of Peress. All you need to do is to call those men in in executive session, if you want to abide by the confidential request of the Secretary, and you can find out from them the part that each one had in that affair. That has been in your files since June 23.

The CHAIRMAN. I am afraid we are wasting the time of the Senate, if that is all the information you have.

Senator WATKINS. You invited me here. I did not—

The CHAIRMAN. Just a minute. Please, Senator. I will give you a gavel. General Zwicker when called said he could not tell who was responsible. We have a list of 30 names, an unusual list. It lists the people in headquarters of the First Army, the Office of the Surgeon General, all the doctors in the Surgeon General's office who might have given this man a physical examination when he was promoted, the officers in the Adjutant General's office, again when he was appointed to the grade of major all of the doctors who were in the Surgeon General's office, and on down the line. You and I know that—you and I know that nothing will be gained by calling four or eight doctors from the Surgeon General's office and finding out whether or not they examined this man. I thought when you made this statement, Senator, this very serious statement made in your report—you state that I should blame the person who is culpable—I thought maybe you had some information. Let us see if I have your testimony clear today. It is that you have nothing except what was presented to the Mundt committee, including this list of 30 people. You know now as you knew at the time you signed this report, that when we had one of the individuals before us, he said, "I can't answer because of the Presidential order." You are aware of the Presidential order when you invoked before your committee in which you said that General Lawton could not even tell about the conversation he had with General Zwicker. Is it your testimony now that that is all you have? You have nothing in addition except this conversation you had with Stevens in which he said "Here is a list of 30 names. If you want to take a look at them, if you think there is some way

that I can find out who was the secret master by looking at these names, I will give it to you."

Keep in mind the ruling that you made—hand this down to the Senator, will you? (Document handed.)

Keep in mind the ruling you made that one Army officer would not have to testify as to conversations he had with another.

Senator WATKINS. I take it you are asking for my advice. That is what it sounded like. I would advise you—

The CHAIRMAN. Not your advice, Senator. You have signed a formal report saying that I should blame the person who is culpable. That means that you should know.

Senator WATKINS. Do you disagree with that?

The CHAIRMAN. That means you should know. I have been trying to find out. I wired you and told you that unless you had some information I did not want you to waste my time and your time. You did not answer that wire. I gather today that you have nothing except what was before the Mundt committee and that the Secretary of the Army did not give you the result of the Inspector General's report. You knew, of course, Senator, you know now, that the Secretary of the Army promised that he would have the Inspector General make an investigation and that he would try and tell us then who was a fault or, using your word, culpable. You know that he has refused to do that. I thought maybe when you were—

Senator WATKINS. Just a moment. I do not know any of those things you are saying. Those are your statements, not mine. I am not agreeing with them just because I sit here. I am not agreeing with what you are saying because I have to sit silently.

The CHAIRMAN. You do not have to sit silently. You can talk all you like. I am not going to use a gavel.

Senator WATKINS. You ask me, in effect, as I get the purport of your question, how I would go about it to get this information. I would tell you exactly how I would go about it. I would serve on the Secretary of the Army a request for each one of those officers and I would have them brought before the committee in executive session so that I could protect the families of these people in the event there was nothing against them any more than administrative work. I am advised that this contains the list of the people who had all to do with this promotion and with this discharge.

I would go right down through that list. And then I would say to you, in answer to what you said about not being able to get the information out of them because of the orders—I would do exactly what I did in the select committee case. I called on the Secretary of Defense, Mr. Wilson, and I got him to give me a letter which permitted General Lawton to testify, which permitted General Zwicker to testify on the things that he could not say before.

The CHAIRMAN. Let's keep the record straight. You did not get permission for Lawton to testify. Lawton refused to testify. So let's keep the record straight.

Senator WATKINS. Lawton came on the second time and testified when he was given the opportunity to recount and to give the statements that General Zwicker had made to him at a conversation with respect to Senator McCARTHY and how he felt about it. When we gave him the opportunity—

The CHAIRMAN. Senator WATKINS, let's keep the record straight.

Senator WATKINS. I am testifying. If you find it is wrong—you said I could talk all I wanted. Now let me go.

The CHAIRMAN. You can talk all you like. Senator WATKINS. Let me go, then, and I can finish my statement. With your permission, I am doing this.

The CHAIRMAN. Okay. Proceed.

Senator WATKINS. All right.

I have forgotten where I was. Will you give me the last statement?

(The record was read by the reporter.)

Senator WATKINS. When we gave him the opportunity to testify he could not recount or recall a single statement made by Zwicker. Then we stretched the rule on giving evidence of that sort and said, "Ordinarily, we would like to form our own conclusions from what was said, but you can go ahead and give your impressions." Then he did; that General Zwicker was antagonistic to you. Then when we go to Zwicker, he was permitted to say that he had been opposed to the promotion of Peress, he had been opposed to his honorable discharge, he had been against generals or any officials in the Army claiming the protection of the fifth amendment.

But he was not permitted to say to whom he objected. He had to stop there. But we got that through the letter Mr. Wilson and the counsel sent over from the War Department.

Senator, as a part of my advice from an older man, just a little older in years, I would say to you I think if you will follow on that procedure, if you will cooperate with the Secretary of the Army and the Defense Department, they will be able to help you a lot in actually pinpointing who, if anybody, is culpable; that is, any evil culpability, for the promotion of Peress and for his discharge honorably.

Now, I do not know whether this is going to be of any help to you or not. You have to decide that matter. But since you asked for it, that is the story. You have it in your files, and I think there is a reasonable procedure to follow. I recommend it strongly to your committee. And if you do not want to do it, give us the names in the Internal Security Committee and I will ask our chairman to proceed on that.

The CHAIRMAN. Then I understand that the only help you can give us is that we call additional Army witnesses and hope that they will not invoke any secrecy rule and try and get them not to invoke the secrecy rule. Beyond that, you can give no information, is that it?

Senator WATKINS. I would like to say that the report that you called my attention to does not profess to know the name of the person culpable. It merely says whoever they are, in effect, they ought to be held responsible. It does say positively that Zwicker was not culpable. That is all I have to say, Senator.

The CHAIRMAN. Where does it say positively that Zwicker was not culpable?

Senator WATKINS. Well, I think, in what we read.

The CHAIRMAN. Where does it say that? I would like to read that into the record. You said the report that you got from the Army. I handed it to you. I am not asking about your report, Senator WATKINS.

Senator WATKINS. That is what I thought you said. I am only responsible for my own report, nobody else's.

The CHAIRMAN. In other words, you were not referring to the Army report? I handed you a report. I thought you were referring to that.

Senator WATKINS. I have the list, yes, the confidential list that you just handed me.

The CHAIRMAN. There is nothing on that?

Senator WATKINS. That is to be taken in connection with the letter which he gave you. That is to be taken in connection with what he told me. I could have had this identical list, and if the select committee had any job in connection with it, I would be only too glad to proceed and follow it. But that is within the jurisdiction of your committee and the Internal Security Committee as I see it. I cannot do anything about it. I said, "There is no use in giving that to me, Mr. Secretary, and have me hold it in a confidential capacity, even though it might

satisfy some of my curiosity." But he said, "Positively that contains the list from the top down in grade, the people who were responsible for the handling of the Peress matter." That has been in your files since June 23, 1954.

The CHAIRMAN. You are aware, of course, of the fact that Zwicker said that he could have held up an honorable discharge if a man had stolen \$50.

Senator WATKINS. I understand all of that, but you said you were not going into that. You were going to ask me what I knew about Peress.

The CHAIRMAN. I think you should have told me that you knew nothing about this before we wasted this time this morning. You came here this morning and read a letter which is in the Mundt testimony. You refer to a list of 30 people. The man who signed the honorable discharge—his name is not here. The commanding officer's name is not here. There are many names missing, although the letter says that all those administratively responsible. Your advice is, all you know is that we should call these men and hope they would not do—would the young man desist while I am talking to the witness?

Senator WATKINS. Is it out of line for my administrative assistant to hand me some papers?

The CHAIRMAN. Let me finish my question. The only thing you have to give us, then, is the advice that we call all of the thirty-odd officers from the Surgeon General on down and hope that they will not invoke the privilege which Zwicker invoked. We asked Zwicker, you understand, who was responsible, and he said he could not answer. The only thing you can tell us now is, when you say I should have blamed the person culpable, is that we should call those 30 people?

Senator WATKINS. I called your attention—

The CHAIRMAN. Is that roughly it?

Senator WATKINS. Not exactly it, no. I call your attention to a letter of November 3, 1954, addressed to you by Mr. Stevens, in which he expressly, as I recall, leaves out two officers here. I think McManus and General Bergin, and it already appeared—"No action was taken against Maj. Gen. William E. Bergin, the Adjutant General, Brig. Gen. Ralph Zwicker or Maj. John J. McManus, because in the opinion of the Army no acts performed by them manifested the slightest indication of Communist sympathy nor any other dereliction of duty. These officers hold the same rank," et cetera. That was in the letter to you. The letter you wrote me had a paragraph in it like this:

"This indicates that you must have some information as to who was culpable and some information to the effect that Zwicker was not." I have given the information that Zwicker was not, the sworn testimony, uncontradicted testimony of Zwicker himself. "This is information for which our investigating committee has been searching. You are therefore invited to appear before the investigating committee to give the information upon which you base the above statement."

I have now given it. That is the best I can do and I stand on my statement.

The CHAIRMAN. In other words, you and I will agree that somebody was culpable?

Senator WATKINS. Somebody actually promoted Peress, yes. In the same letter that Mr. Stevens sent you under date of November 3, it quotes the law with respect to the promotion of these people. It seems to me, as a reasonable human being, knowing how these things operate, that that probably was largely responsible for almost the automatic advancement of this man Peress. I would like to offer that for your record.

The CHAIRMAN. Seeing you bring that up, Senator, we will call your attention to the

fact that a Dr. Belsky was before the committee also. He had the qualifications, apparently as great as Peress. He was not given a commission; he was not promoted; he was not honorably discharged. I merely call that to your attention so that you will know that when you cite a law there was no law that forced the promotion. I will ask you one final question.

You and I agree that somebody who covered up for this Major Peress is at fault?

Senator WATKINS. I do not think anybody covered up, as far as I can get it from the statements made by Mr. Stevens. I am relying largely on what he said. He has given you the names of the people who—all the people—had anything to do with that. You already knew about Zwicker and you already knew about Bergin and McManus. So you have had all of that list. I cannot go beyond that. And when you say "culpable" I do not know whether you mean criminally culpable or whether they actually did the work.

The CHAIRMAN. I am using your word.

Senator WATKINS. Culpable as far as we were concerned meant the people who did whatever was done. We do not prejudge people and say they are guilty of something simply because they may have recommended promotion of a man or his honorable discharge. That would be determined by a proper trial, whether they were criminally culpable or not.

The CHAIRMAN. You said the blame should have been placed on the shoulders of those culpable. By the term "culpable" you meant nothing wrong?

Senator WATKINS. I did not necessarily mean criminally culpable. They were responsible. Responsible would probably have been a better word. But you cannot hang a man for writing a report with as many words in it as that if you get one word slightly off key. There was no intention to say that anybody had committed a crime, because we did not know that, and we do not step out and judge them in advance.

The CHAIRMAN. I am not asking you about a claim. You say there was a wrong done, is that right?

Senator WATKINS. It stands for what it says, and I do not care to explain it further.

The CHAIRMAN. Senator, I am trying to find out. You say I should have put the blame on the shoulders of those culpable. I am trying to find out whether you think there was somebody to blame.

Senator WATKINS. Somebody was responsible for his promotion and discharge, that is what I meant.

The CHAIRMAN. There was nothing wrong with that?

Senator WATKINS. I do not know whether it was wrong or not. That would depend on the facts.

The CHAIRMAN. Senator, I perhaps should be censured for what I am about to say if I am to be censured for what I said to Zwicker. I might say that a Senator who represents the great State of Utah, who comes here and says he does not know whether someone should be blamed for promoting, honorably discharging, a man who has graduated from a Communist leadership school, a Communist leader, a man who owes his duty to a foreign country, a man that was a traitor to this country; a Senator who says, "I don't know whether he is at fault, I don't know whether those who protected him are at fault or not—I wouldn't say," but who says and argues on the Senate floor that the man who tries to find out who has been the secret master covering up for this man, that such a Senator certainly is derelict in his duty. And that is putting it very, very mildly.

Senator, you should be just as concerned as I am about finding out who is protecting the traitors in this man's Army. We know that somebody protected Peress. You know as well as I do that while I have been begging and coaxing the Secretary of the Army to give

us the name of the man responsible, you know as well as I do that the Secretary promised that he would have an investigation, that he would give us that information. You have indicated in your report that you know who was at fault.

You say that the commanding officer was not at fault, although the commanding officer refused to answer whether he was at fault or not. I may say I wish you had not wasted our time this morning. I wish you had told me you knew nothing about this situation before I took this hour's time this morning.

If the other Senators have any questions to ask, they may proceed.

Senator McCLELLAN. Are you willing to make a motion in the Internal Security Committee to call these officers named in that letter and make inquiry of them with regard to their responsibility?

Senator WATKINS. I certainly am, if Senator McCARTHY does not move rather promptly in that field.

Senator McCLELLAN. If this committee does not proceed to do so, I will be glad to second your motion in the Internal Security Committee.

Senator WATKINS. That is right. You are a member of that committee with me.

Senator McCLELLAN. Yes, sir; I am.

The CHAIRMAN. If they refuse to testify as Zwicker refused, will you find them in contempt or what will you do?

Senator WATKINS. I think I will get the answers with a little cooperation of the Army and Secretary Stevens. I think I will get the answers if I am permitted to proceed with it.

The CHAIRMAN. In other words, you think you can find out who has been covering up for Peress?

Senator WATKINS. I never could find out that which would satisfy you. I will say that very frankly. I do not believe you could ever be satisfied unless you can find somebody that ought to be shot or hung.

The CHAIRMAN. Do you think you could—I may say that I think a man who covers up for a traitor under our law should be shot or hung.

Senator WATKINS. Right; I will agree with you.

The CHAIRMAN. Many American young men have died, many American young men will die, Senator, because traitors have been covered up.

Senator WATKINS. Have you—

The CHAIRMAN. Those traitors, under the law, should be shot or hung even as our young boys were shot and mutilated out in Korea.

Senator WATKINS. Let me ask you this—

The CHAIRMAN. This is no laughing matter, Senator. If you think you have a secret way of finding out who the secret master is who covered up for Peress, we will be glad to—very happy to—have you try and force the testimony from the witnesses. We will be glad to have you do that.

Senator WATKINS. I would say this: that I would like to ask you this question: Do you think Peress ought to be shot or hung on the situation as it stands at present without a trial?

The CHAIRMAN. I did not say Peress should be shot or hung; I said any man in our military who covers up for traitors, who covers up men guilty of treason, under the law there is a death penalty. You try to make a joke of that. You say that I would not be satisfied until I can find someone who should be shot or hung.

Senator, when we have secret masters in the military covering up, covering up, covering up for Communists, then they should be subjected to the full responsibility of the law. It is no laughing matter, Senator.

Senator WATKINS. I was not laughing, and the record will so show, the pictures will so show. I was not laughing. But I say this:

That any man in the military, any man in this country, is entitled to a fair and impartial trial before a jury of his peers when it comes to a criminal case.

Now, if a full investigation reveals that no one was criminally culpable in this matter, that may be a disappointment to you. But if that is the truth, that is the way it will have to be. That is what ought to be thoroughly explored. That ought to be done before we go on saying that somebody has committed a crime all the time. It could have been negligence, it could have been failure to keep the records together as they should have been. It could have happened in a large army with millions of records. It could have happened purely as a matter of a mistake. There is always that possibility.

Now, as far as I am concerned, in the committee of which I am a member, where we are searching for these matters, we try to do it in an orderly way. We do not make a lot of charges, ordinarily, unless we are pretty sure of our ground and we have gone into the matter carefully. Even then we are very modest in the charges we make. Up to date we have been a 100 percent united, I think, in all the reports of the Internal Security Committee in this country.

The CHAIRMAN. Senator, a boy in Korea who goes to sleep on his post of duty is court martialed and a death penalty is provided for him. Don't you agree with me that where someone deliberately covers up month after month after month for Communists in the military, that he is, using your language, much more culpable than a young kid who has been awake for 18 or 20 hours and who goes to sleep on his post of duty?

Senator WATKINS. Yes, I will agree with that; a man who has been doing that. But first of all, I want to be dead sure he has been doing that.

The CHAIRMAN. Unless the Senators have some questions, I think we have wasted one morning. I had hoped that you would tell us ahead of time you knew nothing about this situation, Senator.

Senator WATKINS. It was my purpose to come before your committee and make such answers as I could make in response to your invitation.

The CHAIRMAN. You are asking that I be censured for not placing the blame on the shoulders of those culpable. You say now that you think by some mysterious process your committee might be able to get the witnesses to disregard the Presidential directives. If you have such a way of getting that information, you are welcome to proceed. I would like to see you try and get it.

The committee will be adjourned unless there are any questions to be asked.

(Whereupon, at 10:45 a. m., the committee recessed, subject to call.)

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the first committee amendment.

Mr. CASE. Mr. President, I think that many Members of the Senate are aware of the report which has come to our attention with reference to the present physical condition of the junior Senator from Wisconsin. I think the Senate will give further consideration to that situation during the day.

I wish to say at the outset that the remarks I desire to make now are not

adverse to the junior Senator from Wisconsin, but are in his interest and will relate entirely to the new evidence which came to the attention of the members of the select committee over the past weekend, and which was the basis of my letter to the chairman of the committee, which was placed in the RECORD on Monday, with reference to the second amendment proposed to the resolution, and in which I stated that I could not support that amendment.

I desire to make this statement because, although I have placed the basic evidence in the RECORD by way of insertion, I am aware of the fact that some Members of the Senate have not had it called to their attention; and, further, that the statements I have made with respect to the origin of that evidence have not had widespread circulation or are not fully or generally understood.

The Members of the Senate who heard my remarks during last week or at any other time during the deliberations on the resolution of censure will recall that when any questions were directed toward me with respect to the so-called Zwicker matter last week I stated that I was not prepared to discuss that question at that time. I indicated that at a later date, if some information came to the committee on that subject, it would be made available to the Senate. I made that statement deliberately.

The fact is that when the committee reconvened on November 8, pursuant to the call for the special session of the Senate, the distinguished junior Senator from Kansas [Mr. CARLSON] stated to the members of the select committee that he was not entirely satisfied with the information which had been developed with respect to the Zwicker-Peress matter. He felt there was additional information which might be obtained by contacting the appropriate authorities in the Army.

Thereupon, on Tuesday, November 9, 1954, the second day the Senate was in session, the junior Senator from Kansas brought up the matter during a formal executive meeting of the committee. A suggestion or perhaps a motion was made by the Senator from Kansas. In any event, action was taken which appears in the minutes of the executive meeting, and on Tuesday of last week, November 9, the select committee authorized the chairman, the distinguished senior Senator from Utah [Mr. WATKINS], to contact the Department of the Army, and to endeavor to arrange a meeting with Secretary Stevens. That action was not made public at the time, but those are the facts as all the members of the committee know. This occurred on Tuesday of last week.

Secretary Stevens was out of town. I understand the chairman of the select committee endeavored to contact him at another time during the week, but the Secretary was still out of town.

On Saturday afternoon, at about 20 minutes of 2, I received a call from the chairman of the committee, the senior Senator from Utah, who said he would like to have me come to his office. He did not state the reason. I was temporarily otherwise engaged, and I said I would be present in 10 minutes. I went

to the office of the senior Senator from Utah at approximately 10 minutes of 2 last Saturday afternoon, November 13.

In the office of the senior Senator from Utah at the time I arrived, or within a moment or two thereafter, were two other members of the select committee, the distinguished senior Senator from Colorado [Mr. JOHNSON] and the distinguished junior Senator from Mississippi [Mr. STENNIS]. With the chairman of the select committee was Secretary Stevens.

During the meeting which ensued, Mr. Milton, assistant to Secretary Stevens, appeared briefly for a conference with the Secretary.

The clerk or assistant to Senator WATKINS reported that he was unable at that time to locate the distinguished junior Senator from Kansas [Mr. CARLSON] and the distinguished junior Senator from North Carolina [Mr. ERVIN], so they were not present. It was somewhat ironical that the junior Senator from Kansas [Mr. CARLSON], who had suggested a further contact with Secretary Stevens, could not be present at that time.

Secretary Stevens, apparently, had been requested to bring with him such information as he thought might be pertinent to the consideration of the Zwicker-Peress angle of this whole matter, and he brought with him two letters. He may have had others, but he brought to the attention of the committee two letters of importance.

One letter was a copy, in full text, of the letter which the junior Senator from Wisconsin [Mr. McCARTHY] had written to Secretary Stevens under date of February 1, 1954. The other letter of particular significance which he brought to our attention—he may have had other letters—was a letter addressed to my colleague, the distinguished senior Senator from South Dakota [Mr. MUNDT], who presided at the so-called Army-McCarthy hearings. It was, I believe, dated in June. In any event, that letter dealt with a request for the names of the persons who had been involved in the Peress matter. I shall deal with that letter first.

That letter stated that the names would be made available to the committee. They were available on a separate sheet of paper, but it was suggested in the letter—and, of course, this is a summary, so to speak, of the purport of the letter—that the Department of the Army hoped that the names would not be made public, because there was a considerable list; that many of the names were of persons who had dealt in a clerical capacity with some phase of the Peress matter; that publication or release of their names would cause embarrassment to them or to members of their families unnecessarily, because they were not persons who had anything to do with the policy determinations or decisions involved.

Another reason given by the Department of the Army in expressing the hope that the names would not be made public was that the names had been obtained by the action of the Inspector General, and that to release the names would, in some way, involve the activities of the Inspector General, and would make it diffi-

cult for the representatives of the Inspector General to operate thereafter.

Consequently, and apparently for the same reasons that these names were not made public by the committee headed by my colleague, the distinguished senior Senator from South Dakota [Mr. MUNDT], whom I see before me, the select committee decided that they did not care to see the names on Saturday afternoon. If my colleague wishes to correct me as to my assumption, I hope he will do so.

Secretary Stevens had a folded sheet on which, presumably, those names were listed. He referred to it and offered it to us, but no member of the select committee expressed any desire actually to look at the list, in view of the statement set forth in the letter.

At some time during proceedings on Saturday afternoon, I asked to see the copy of the letter which the junior Senator from Wisconsin had written to Secretary Stevens. I was impressed by the contents of the letter, and I shall call attention to them later. But with respect to the letter and the names which were involved, someone asked the number of names contained in the list.

Secretary Stevens said, "Approximately 30, but they are grouped. There are 4 or 5 or 6 that had to do with the induction of Peress. There are 4 or 5 or 6 that had to do with his promotion. There are some that had to do with the medical phases of his service," he having come in under the doctors' and dentists' provision of the draft law. "There are some names in another group that had to do with the change of orders. There is another group of names of those that had to do with his discharge."

Someone asked, "Is the name of General Zwicker on the list?"

Secretary Stevens said, "It is not."

Then I asked, "With respect to the group of names that had to do with the discharge of Peress, is the top name on that list a brigadier general or a major general?"

I asked that question because one of the facets or aspects of the whole matter was whether General Zwicker was the top officer who was responsible, or whether a superior was involved.

Mr. Stevens replied, "Neither; higher than that."

In other words, the man at the top of the group of officers who made the final determination for the Peress discharge was not a brigadier general, which was the rank that General Zwicker had, was not a major general, but was someone higher than that.

Thereupon, I suggested to the chairman, "If this can be regarded as a formal meeting, I move, and if it is not a formal meeting, I suggest, that we have a meeting of the committee at 9 o'clock Monday morning, a public meeting, at which time we shall ask the top man in the discharge group of names to be present."

The point was then made by someone that at 9 o'clock Monday morning, the chairman of the committee, the Senator from Utah [Mr. WATKINS], had been asked to appear before Senator McCARTHY, and that that would cause a conflict. The further point was made that the Senate was due to begin its

session on Monday at 11 o'clock in the morning, and that it would be difficult to have a hearing or accomplish anything under those circumstances.

I stated at that point that I would be satisfied if we could have certain information from Secretary Stevens. I asked two questions as to which I thought Secretary Stevens should give information.

The first was, "When did you receive, or when did the Army receive, the letter dated February 1, 1954, by Senator McCARTHY addressed to you?" Secretary Stevens said he did not know the facts involved in that question, and he would have to look the matter up.

The second question I asked was, "What did you do with it when you received it?"

Secretary Stevens again indicated that he would look up that information and make it available to us. That happened at midafternoon. I do not know how long we were there. I did not look at the clock when the meeting broke up, but I would assume it was sometime after 3 o'clock that Saturday afternoon.

Because of the implications or the meat of the letter addressed by Senator McCARTHY to Secretary Stevens, the full text of which letter I read on Saturday afternoon, I spent some time Sunday rereading the hearings in the Zwicker matter.

I might state this at this time, although I do not make a particular point of it: I was not present on Monday, September 13, when General Zwicker testified before the select committee. I had left the previous Saturday evening for my home. The printed hearings recorded me as being present, but the clerk of the committee has stated that my name had been included by the copy reader who assumed I was present. A reading of the record shows that I was not present, and that I did not participate in any of the hearings on September 13. I make no point of it, but simply wish to keep the record straight, because when I returned for the deliberations of the committee, before I took any action I was asked to read the hearings of September 13. I did.

It was on the basis of what took place at the hearing that I concurred in count 2 of the resolution at the outset. However, I wish to point out that in the hearing of September 13, the reply of Secretary Stevens to Senator McCARTHY was inserted in full, but the letter of February 1 to Secretary Stevens, to which his letter was a reply, was not inserted.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. CASE. I yield to the Senator from Utah.

Mr. WATKINS. Does the Senator from South Dakota know that we did not have a copy of the letter by Senator McCARTHY which was written on February 1?

Mr. CASE. I assume that is true; that it was not produced, and that no one asked for it.

Mr. WATKINS. I should also like to call attention to the fact that the letter of Senator McCARTHY to Secretary Stevens had been put in the Army-McCarthy hearing record, which is a large

record, as everyone knows. We assumed it had been placed in that record, because I recalled that it had been published. There was not anything secret about it at all.

Mr. CASE. I am not saying there was any adverse intent in the fact that it was not put in the record of the select committee, but I merely state, as a simple matter of record, that it was not there. So it was not in the record which I read at the time I returned for the executive meeting of the committee following the time General Zwicker testified.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. CASE. I yield to the Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator from South Dakota whether there is any evidence, either new or old, to the effect that Senator McCARTHY knew about the reconsideration of the original order in the Pentagon at the time he examined General Zwicker on February 18?

Mr. CASE. I do not know that there is. I think probably the fact is to the contrary, but I shall deal with that point in due course.

Mr. ERVIN. Mr. President, will the Senator yield further?

Mr. CASE. Yes. I yield.

Mr. ERVIN. As I understand, the committee recommended censure of Senator McCARTHY in what I would call the second count, which was based on the General Zwicker incident, because of his attitude and conduct toward General Zwicker in the examination of February 18. If Senator McCARTHY was ignorant of the action which took place in the Pentagon after the receipt of the letter of February 1, how could Senator McCARTHY's attitude and conduct toward General Zwicker be influenced in any way by a fact of which Senator McCARTHY was ignorant?

Mr. CASE. The Senator from South Dakota does not contend that it was.

Mr. President, the question which the distinguished and very able Senator from North Carolina has raised is very much in point, but I invite the attention of the Senators to the fact that the proposed amendment contained in section 2 of the resolution reads:

SEC. 2. The Senator from Wisconsin, Mr. McCARTHY, in conducting a senatorial inquiry intemperately abused, and released executive hearings in which he denounced, a witness representing the executive branch of the Government, Gen. Ralph W. Zwicker, an officer of the United States Army, for refusing to criticize his superior officers and for respecting official orders and executive directives, thereby tending to destroy the good faith which must be maintained between the executive and legislative branches in our system of government.

It is on that ground, namely, the destruction of good faith between the executive and the legislative branches of the Government, that the motion for censure is predicated.

As I shall attempt to develop, the receipt of Senator McCARTHY's letter of February 1 by the Army, in advance of a confirming decision to give Major Peress his discharge, itself shows a breach of good faith between the executive and

legislative branches of the Government, because the Army gave priority to the request of Major Peress for an immediate discharge, over and above the request by the chairman of a Senate investigating committee that the Army defer action, that it file charges, that it hold the man, and that it probe his activities and see whether it thereby would uncover some of the network of infiltration into the Army.

The good faith and cooperation between the executive and legislative branches of the Government are a two-way street; and the whole point upon which the amendment embodied in section 2 is predicated falls when we find that the good faith was destroyed, first, on the other side of the street or at the other end of the street, however one may wish to phrase it.

I submit to the Senate, as I set forth in the memorandum the other day, that it is a poor foundation upon which to predicate censure for the breaking of good faith between the operations of the executive and the legislative branches of the Government when a responsible Army staff receives, in time, and considers a request from the chairman of a Senate committee—any Senate committee—not to take terminal action with respect to some employee in that department or agency until it investigates, or to file some charges, and hold him, and not release him from its jurisdiction.

If the Senate understands the issue that is set forth in section 2 by the words—

Thereby tending to destroy the good faith which must be maintained between the executive and legislative branches in our system of government.

I think the Senate will not say that an adequate basis for censure of Senator McCARTHY exists, when the chairman of the committee wrote, in time, and his letter was received in time by the head of that executive agency, asking that it file charges and look into the matter, whereas, instead of acceding to that request, the next morning that agency took adverse action, and, instead, respected the request of Major Peress, an admitted Communist, that he obtain an immediate discharge, and thus escape from the jurisdiction of the Army.

That is the issue involved here, and I think the Senate should know it.

I desire to support and document that situation. So far as I know, the only reference in the hearings to what was contained in Senator McCARTHY's letter to the Army appears at pages 184 and 185. I desire to read that portion of the hearings, because it is quite important:

Mr. WILLIAMS. Now, at the time that Major Peress appeared before you on January 30 of 1954, he was still on active duty at Camp Kilmer; is that correct?

Senator McCARTHY. He was.

Mr. WILLIAMS. As a result of the testimony developed in executive session on that occasion, was a request made for his appearance in open session?

Senator McCARTHY. Yes; that is right.

Mr. WILLIAMS. Do you recall when he was asked to present himself for interrogation and examination in open session?

Senator McCARTHY. I do not recall the date he was asked to appear. He appeared on the 18th day of February.

Then Senator McCARTHY made the following statement; and this is the only part of the entire record to inform us what was contained in Senator McCARTHY's letter:

I might say that in the meantime, Mr. Williams, a rather important occurrence having a direct bearing upon this Zwicker matter, after Peress appeared and refused to tell whether he was recruiting soldiers into the Communist Party, whether he was holding Communist meetings at his home, whether he was a graduate of a Communist leadership school, whether a Communist helped him to get his change in duty orders, I wrote to Secretary Stevens and suggested that this man be court-martialed.

There were two grounds for the court-martial:

No. 1. When he entered, he signed a statement to the effect that he belonged to no subversive organization, specifically I believe that included the Communist Party.

Under the code, that is the criminal code, that is a felony calling for a prison sentence up to 5 years.

I felt also that his refusal to answer the questions about Communist activities, while this refusal could not be accepted in a criminal court, contrary to the popular conception the use of the fifth amendment in regard to criminal activities can be used in a civil action.

I suggested to Bob Stevens, and I cannot quote the exact language—

Here Senator McCARTHY himself states what was in his letter, although he did not have the text before him—

that here was a chance to serve notice on all officers in the Army that there would be no more coddling of Communists, that if they had any information about Communist infiltration, that they would be expected to give that information to the proper authorities that could be acted upon. That was done.

Mr. WILLIAMS. On what date?

Senator McCARTHY. I do not recall the date the letter was dispatched. It was made public, as I recall, on February 1.

Mr. WILLIAMS. Was that letter written, to the best of your recollection, on the date on which Peress had testified before your committee?

Senator McCARTHY. It was written that evening, as I recall, or the next morning.

That record was before the committee, to show that the letter was made public on February 1. That was Senator McCARTHY's impression, and it would support the angle of the matter which Senator ERVIN has mentioned, namely, that there is no evidence that Senator McCARTHY was aware of the actual receipt of the letter and its consideration by the Army at the time when the Army took the terminal action in the case of Major Peress. That may be, and it is another facet of the question. But it does not alter the fact that it can be established that the letter was received and considered by the Army staff before they took the final terminal action, and that the responsible Army staff turned down the request from the chairman of the Senate committee which asked them to avoid taking terminal action and to retain jurisdiction. Instead, the staff turned down that request, in order to speed up the discharge of Major Peress.

I hope all Members of the Senate will read the full text of Senator McCARTHY's letter, which appears in the CONGRESSIONAL RECORD for November 15; I inserted it there. It is on page 16039. Senators do not need to read it at

once, if they do not wish to; but if they wish to get the full impact of what Senator McCARTHY, as chairman of a Senate committee, said to the Secretary of the Army, they should read that letter. It is more than 2 pages long.

After I read the letter, I wished to know when the Army received the letter, and what the Army did about it, because the only suggestion which had been made was that it was made public on February 1. I am familiar with the way mail is handled, in the case of a letter written by any person to an executive agency. So the suggestion that the letter was made public on February 1, never brought to my mind any intimation that the letter was received and considered by the executive agency. On the contrary, knowing that the testimony showed that Major Peress was discharged on February 2, I assumed that the making of the letter public to the press on February 1 did not give the Army staff any actual notice, or even constructive notice, that the chairman of a Senate committee was making the suggestion that he did make.

If I write a letter to a department today and make it public today, I do not assume that the department takes cognizance of that letter by reason of reading it in the newspapers. I assume that the department does not take cognizance of it for official consideration, at least, until it is received by the department. In the normal course of events, if the letter went through ordinary mail channels, if the letter were made public on the first of February, that would mean, perhaps, receipt at the sorting desk sometime on February 2, and consideration sometime thereafter.

There are further reasons for that impression. I may have had the wrong impression. Others may have had the idea that in some way the Army received the letter that day. But in the reply letter from Secretary Stevens, which will be found at pages 462 to 464 of the record, there appeared the statement which I shall read. The reply letter of February 16 from Secretary Stevens to Senator McCARTHY begins near the bottom of page 462 of the record. I read from page 464:

The suggestion which you made in your letter that the officer's discharge should be reversed and that he should be recalled for the purposes of court-martial on charges of conduct unbecoming an officer have been examined and appear to be impracticable. In the first place, the separation of an officer under circumstances such as this is a final action, and there is no means of which I am aware by which the action could be successfully reversed.

I submit that would suggest to any person reading it that the Stevens interpretation was that the discharge had been made. He says:

The suggestion which you made in your letter that the officer's discharge should be reversed—

It is a fair interpretation of Secretary Stevens' letter that the McCarthy letter was received too late. The impression I received was the Stevens interpretation related to the suggestion that the discharge already issued be recalled. Upon

that basis it did not appear that the Army had received in time the request from the chairman of the Senate committee that it not take terminal action.

Mr. DIRKSEN. Mr. President, will the Senator from South Dakota yield for a series of short questions on this subject, which might conceivably throw some light on the whole Peress case?

Mr. CASE. Will the Senator wait until I read a certain letter?

Mr. DIRKSEN. I will abide by the wishes of my friend from South Dakota.

Mr. CASE. I should like to read the letter of Secretary Stevens dated last Saturday on the point as to when the letter from Senator McCARTHY was received. This letter was written on November 13, last Saturday, after the conference in the office of the Senator from Utah [Mr. WATKINS]. It appears at pages 16039-16040 of the CONGRESSIONAL RECORD for November 15. It was in response to the two specific questions which I had raised as an alternative to having a meeting of the committee on Monday morning of this week. I read:

NOVEMBER 13, 1954.

HON. ARTHUR V. WATKINS,
United States Senate,
Washington, D. C.

DEAR SENATOR WATKINS: In response to the questions raised by Senator CASE in your office this morning regarding the receipt and processing of the letter from Senator McCARTHY dated February 1, 1954—

It was about 1:45 p. m. when I reached the office of the Senator from Utah. Secretary Stevens was already there when I arrived. I assume he had been there for some time. Whether it was technically in the forenoon or early afternoon is immaterial. Frequently we say "this morning" even when the Senate meets at 12 o'clock.

Continuing with the reading:

I have investigated the records of my office and find that this letter was hand carried to my office sometime during the day of February 1—

It was taken to his office by messenger. It was taken to his office by hand sometime during the day on February 1—

As you will recall, I had not yet returned from a trip to the Far East on this date. The letter, therefore, was transmitted to Mr. John G. Adams, department counselor, since Mr. Adams had been designated by me to make all contacts with the Permanent Subcommittee on Investigations.

Mr. Adams made known the receipt of the letter to the responsible Army staff.

It was not a matter of chance. It went to the "responsible Army staff."

Continuing with the reading:

After review of the letter, it was concluded that there was no additional evidence to require modification of the prior determination in the Peress case, which had been based on all the available information known at that time—

The Peress discharge was ordered earlier in January. The order was dated earlier in January. I think it was delivered to General Zwicker about the 23d of January 1954. It will be remembered that that order, in the first paragraph, directed that Peress be discharged at the earliest practicable date, according to the desires of Peress, but in no case later than 90 days after the

receipt of the order. He was to be discharged at the earliest practicable date, according to the desires of Peress.

I proceed with the reading of the letter:

After review of the letter, it was concluded that there was no additional evidence to require modification of the prior determination in the Peress case, which had been based on all the available information known at that time, and that the best interests of the United States would be served by his prompt separation, a matter which was about to be consummated.

It had not been consummated. It "was about to be consummated." The letter of February 16, which was in the record of our hearing of Monday, September 13, stated:

The suggestion which you made in your letter that the officer's discharge should be reversed and that he should be recalled for the purposes of court-martial on charges of conduct unbecoming an officer have been examined and appear to be impracticable.

The intimation in the letter before us in the record was that Senator McCARTHY's suggestion was that the discharge should be reversed. Those words are in the letter. However, in the letter of November 13 the Secretary uses the language:

A matter which was about to be consummated.

Do I make myself clear, that the suggestion contained in the letter of the junior Senator from Wisconsin, as chairman of the Senate Committee on Government Operations, or as chairman of the Permanent Subcommittee on Investigations, reached the Department in time, on the 1st of February?

It was referred to the responsible Army staff. They gave it consideration, but decided to proceed with a matter which was about to be consummated.

The letter was there in time. The Department turned down the request, made in a formal letter from the chairman of a Senate committee. I do not care whether it was the Army, the Department of the Interior, the Department of Commerce, or the Department of State. If the Senate is to preserve its self-respect, it must recognize that it is a poor foundation to predicate censure on the breaking of good faith as between the executive and legislative branches of the Government.

The chairman of a committee of the Senate wrote a letter and had it delivered in time to a responsible Army staff dealing with the subject. In the letter he suggested that charges be filed against a certain officer in the service, and that his activities be investigated, because of the possibility of discovering the infiltration of Communists, or the possibility of discovering certain of his activities, perhaps, in soliciting membership in the Communist organization.

I care not whether the request came from the chairman of one of the most important committees of the Senate, or from the chairman of a minor committee. I hope the Senate will not say that it will censure one of its Members because he lost patience when, on such a foundation, his formal request was rejected and preference was given to the

request of the person who wanted to escape from the jurisdiction of the Department.

The officer said, in effect, "Let me out today." How do I know that? Let us examine the full record. When was the Peress hearing in New York City? It was on January 30. That appears in the record. Perhaps at that time no significance was attached to the fact that January 30 happened to be Saturday; but after I went into the subject the other day I went back and read the record of the Peress hearing in New York City.

At the very conclusion of the record, just before the subcommittee adjourned its hearing—I believe it had met at 10:30, and it adjourned at 11:30, practically at noon—a discussion ensued. Apparently everyone was folding up his papers, and at that point there was a little exchange between Mr. Cohn, counsel for the subcommittee, and Major Peress with regard to the possession of certain documents. Finally Chairman McCARTHY entered the discussion with this statement:

THE CHAIRMAN. * * *

In case any questions arise, have the record show that the major has the material in his hands and will turn it over to his lawyer and he will produce it.

You haven't been asked to resign, have you?

Major PERESS. Yes, I have.

THE CHAIRMAN. Who asked you?

Major PERESS. Colonel Moore. I am not sure of that name. It might be some other name.

THE CHAIRMAN. Did you refuse to resign?

Major PERESS. No, I accepted the request. I have a day of termination.

THE CHAIRMAN. What date are you due to resign?

Major PERESS. It is no later than the 31st of March, but I can move it up if I so desire.

THE CHAIRMAN. You are being given an honorable discharge?

Major PERESS. I haven't been given—

THE CHAIRMAN. So far as you know, you are being allowed to resign with no reflection on your record?

Major PERESS. There was no discussion of that.

THE CHAIRMAN. Why were you asked to resign?

Major PERESS. They wouldn't tell me the reason.

THE CHAIRMAN. Did you ever refuse to resign?

Major PERESS. No, I was never requested to before.

THE CHAIRMAN. When were you requested to resign?

Major PERESS. A week ago today.

THE CHAIRMAN. In other words, you were asked to resign after you were ordered to appear before this committee?

Major PERESS. I was ordered to come before this committee yesterday morning.

Mr. COHN. That was the first time you had ever been asked to resign?

Major PERESS. The first time was a week ago this morning at 11 o'clock.

THE CHAIRMAN. O. K., you may step down. (Whereupon, the hearing adjourned at 11:30 a. m.)

The record shows that the hearing adjourned at 11:30 a. m. That was 11:30 a. m. on Saturday.

What happened then? I suppose Major Peress went back to Camp Kilmer, and I suppose Senator McCARTHY came to Washington. The next day was Sunday. Nothing happened on Saturday afternoon or on Sunday. I suppose it

was not possible to get any action that afternoon or on Sunday, and Peress could not get discharged even if he returned to Kilmer immediately.

However, on Monday morning the race began. Peress met with General Zwicker and he said, "I want my discharge now."

Why? It was because he had been alerted that if he did not get it then, he might not get an honorable discharge. What did Senator McCARTHY do? He wrote his letter. Perhaps he wrote it that evening. However, on Monday the letter went by hand to the responsible Army officer in the Pentagon. The staff in the Pentagon gave consideration to the matter, which was about to be consummated, and decided to grant the request of Peress, who had said, "Let me out now." The staff did not show any respect to the letter from the chairman of a Senate committee stating, in effect: "File some charges, investigate the situation, and keep your fingers on this man. Look into it a little bit."

Such a course of events is a poor foundation on which to set a precedent for censure in the Senate. I now yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, first let me ask the Senator from South Dakota whether he is aware or whether the select committee was aware that there was a staff memorandum which embodied consultations of the staff of the Committee on Government Operations with General Zwicker and General Lawton and General Partridge, as early as October or November. It can be reasonably inferred from the staff memorandum that General Zwicker would have bristled if he had come before the subcommittee; in fact, he is alleged to have said to General Lawton and General Partridge, "Why do you let McCARTHY push you around? If he gets me before that committee, I will not let him push me around." The question is, was that information brought to the attention of the select committee?

Mr. CASE. No; it was not. I have heard and, in fact, have seen what appeared to be a staff memorandum, which would suggest what the Senator from Illinois has stated. However, let me say that there was a little testimony by Mr. Anastos, an assistant counsel of the subcommittee on investigations. But I qualify my statement by adding that I have not looked up the matter.

I believe Mr. Anastos testified that he had talked with General Zwicker in advance of the appearance of General Zwicker before the McCarthy subcommittee, which would indicate, perhaps, some prejudice on the part of the general. On the other hand, I thought it was a little inconclusive so far as anything coming before us in an official way was concerned. Although General Zwicker, in the first interrogation before the McCarthy committee, indicated that he took no steps to force the discharge, in testimony before the select committee did state, when he was permitted to testify about what he knew or did of his own knowledge, that after Peress came to him to ask him for an immediate discharge, instead of giving it to him that day or immediately, he telephoned his

next superior officer in the chain of command, the Chief of Staff of the First Army.

I have also heard—and this was not before our committee, but is based on a staff memorandum—that General Zwicker was in contact with the Pentagon, either directly or through the chain of command through the Chief of Staff of the First Army, 2 or 3 or 4 times on February 1 and February 2.

However, the fact remains—and I say this in defense of General Zwicker—in the hypothetical case which Senator McCARTHY presented to him about someone who had stolen \$50 being up for discharge, and whether General Zwicker would suspend action on the discharge of such a person, General Zwicker did say that he would hold up the discharge because if something which had occurred was within his knowledge there were orders covering such a situation.

However, General Zwicker did not give Peress a discharge immediately when Peress asked for it. General Zwicker alerted the Pentagon through the Chief of Staff of the First Army. There was a little colloquy at the hearing about whom he had talked to at the Pentagon. He used the name of General Gurney, but later it turned out to be General Murphy. However, in talking over the telephone he had asked for the Office of the Chief of Staff, and he did not know with whom he had talked, until that person called up and said that he was the one to whom the general had spoken.

The record is clear that General Zwicker had alerted the Pentagon through the Chief of Staff of the First Army, in the line of command, that Peress had come in and asked for the exercise of the option under the order and wanted an immediate discharge.

Thereupon the Army had two requests before it. One was from Peress for his immediate discharge. The other was from the chairman of a Senate committee, who had requested that charges be filed against Peress and that the matter should be looked into and that the Pentagon should keep its finger on Peress.

Mr. DIRKSEN. Mr. President, will the Senator from South Dakota yield further?

Mr. CASE. I am happy to yield.

Mr. DIRKSEN. I have about a dozen questions I should like to ask. By way of a preface to my second question, let me say that the staff memorandum was before the committee at the time that General Zwicker appeared, and all the information was in the memorandum and was within the knowledge of the committee. Therefore it does have some bearing on the question of provocation.

Mr. CASE. That was not brought to the attention of the committee.

Mr. DIRKSEN. However, did the committee know or does the Senator from South Dakota know that the staff memorandum indicated that there was a board in the Army consisting of 3 general officers, which had the Peress case before it no less than 4 times, and that one of the general officers was in favor of disposing of the matter forthwith, and that the other two general officers demurred? Did that come to the attention of the committee?

Mr. CASE. It did not come to my attention until within the past 2 or 3 days, when someone advised me that that information was contained in a staff memorandum of the investigating subcommittee.

I do not know that that particular point was ever brought to the attention of the select committee so that it would receive the individual attention of its members.

Mr. DIRKSEN. Does the Senator from South Dakota know whether the request of Dr. Peress was in the custody of General Zwicker?

Mr. CASE. I shall have to speak from memory. I believe that somewhere along the line it was indicated that General Zwicker had access to the file and that he was perpetually plagued in his own mind during the hearing before Senator McCARTHY as to what he should testify to from knowledge on his own part without giving an answer which reflected information which came to him from the files.

Mr. DIRKSEN. Does the Senator know whether General Zwicker's command did recommend or endorse or concur in the promotion of Dr. Peress?

Mr. CASE. My recollection is that General Zwicker was asked the direct and specific question as to whether he approved it or whether he filed a protest against it, and he said he had had no opportunity to do that. From that I took it that he personally did not make the promotion, and that he had no opportunity to protest it, once it was made. That is my recollection.

My further recollection is that he knew it went to the matter of the discharge, and that the first time that question was raised with General Zwicker he indicated that he would like to be excused from answering the question as to whether he had protested the discharge. Whether that indicated that if he were permitted to testify he would have said he did or he did not, I do not know.

I took it, however, from his subsequent testimony, made when counsel was with him as he appeared before the select committee, that he did call up the Chief of Staff, First Army, his immediate superior in the chain of command, that either it was in the nature of a protest against the discharge being made at that time, in the light of Peress' conduct at the hearing on the Saturday preceding, or he did it as a precaution so that the decision for proceeding under the alternative in the first paragraph of the separation order would rest at the highest possible level, or, at least, not at the separation center itself.

Mr. DIRKSEN. Having in mind that General Zwicker appeared before the committee on February 18, and having in mind that Peress was actually discharged on the 2d of February, 16 days before, does the Senator from South Dakota know whether on the first of February, the day before Peress was discharged, General Zwicker did communicate with the Chief of Staff of the First Army concerning Dr. Peress?

Mr. CASE. Between what dates?

Mr. DIRKSEN. On the 1st of February.

Mr. CASE. Yes. There is direct testimony that he did, after Peress came in and after the discharge, communicate to his immediate superior, the Chief of Staff of the First Army, and advise him.

Mr. JENNER. Mr. President, will the Senator from Illinois yield at that point?

Mr. DIRKSEN. I do not want to spoil the continuity of the colloquy.

Mr. JENNER. I think I can explain that the question was not before the select committee.

Mr. DIRKSEN. I understand that.

Does the Senator from South Dakota know that there was a staff memorandum in the possession of the committee at the time General Zwicker appeared before the committee which indicated that on the 1st day of February, the day before the Peress discharge, General Zwicker interviewed Dr. Peress and impressed upon him the necessity of getting out of the Army as quickly as possible?

Mr. CASE. I do not know that such a staff memorandum of the investigating committee was in the possession of the select committee or its staff. I do not know.

Mr. DIRKSEN. If the Senator will permit me, and if it is not in violation of the rules, since it is not in the form of a question, with all this information in the possession of the committee in the form of staff memorandums, and the belief that General Zwicker would appear as a friendly witness—but when he actually appeared, he was not quite so friendly—is it the opinion of the Senator from South Dakota that that could have given rise to provocation and probably have intensified the feeling manifest at the time, knowing what was in the staff files and comparing that, of course, with the answers General Zwicker made in pursuance of all the inquiries of Dr. Peress?

Mr. CASE. There are many factors that entered into it. I think probably one could go back and, if he wanted to open up the way for the Army-McCarthy hearings and the Peress hearings, and went back to the fall of 1953, he might find some things that would be cumulative as to the mental attitude of General Zwicker and the mental attitude of the junior Senator from Wisconsin when they got together. When we have so many small things, each of which makes some contribution, it is not helpful to a judgment to try to bring in this little thing or that little thing.

What I have tried to confine myself to has been the central issues involved; and it seems to me that the central issue involved in section 2 of the amendment was the breach of good faith between the branches of the Government. I think this record will maintain it. And I recognize it is a two-way street.

I want to confine myself to the legal arguments presented in the defense counsel's memorandum on that point. I think we have to look at things that would in some way obstruct the processes of the legislative branch of the Government or the processes of the executive branch of the Government, or the relationship between them. I wish to come back to that. But I shall yield for a further question.

Mr. DIRKSEN. I have only one more question.

The language of the resolution indicates that intemperate language was used. Intemperate language is language which comes from an individual when he loses his temper. The easiest way to lose one's temper—and, incidentally, that is one of the vices even of the virtuous in this rather cynical age—is to be provoked. With all this information in the staff files and before the committee, before General Zwicker ever appeared before the committee on the 18th of February, is it not, then, fully understandable that when his testimony was evasive, in my considered judgment, when his testimony went off in this direction and that direction and was not responsive to the questions of the chairman, the chairman could have been easily provoked? Although I have never known him to admit that he lost his temper, yet provocation does lead to intemperate language. So, if we are going to use a rule in one case, we should use it in another case, because in the committee report itself the committee says it could not very well undertake censure of the distinguished Senator from Vermont [Mr. FLANDERS] because there was provocation. Then, how do we use another rule when all the background, all the facts, all the information in the staff memorandums before the committee indicated how easy there could have been provocation which led to some intemperate language?

Mr. JENNER. Mr. President, will the Senator from South Dakota yield?

Mr. CASE. In a moment.

I do not happen to agree with the Senator from Illinois that General Zwicker was evasive. I thought he followed a pretty clear line when he was trying to testify as between what he knew specifically and firmly within his own knowledge and what he had read in the newspapers, and separating either of those as to what he could testify to as against that which was reflected knowledge, which came only from the official files which he was forbidden to use.

I do not contend that the whole situation which I have described was justification for the use of intemperate language, but I say that it suggests mitigation. In the memorandum which I placed in the RECORD on Monday, I said to the chairman of the Senate select committee that if this official letter was ignored, and an immediate and favorable response was given to the hurry-up request of a known Communist to be discharged from the Army and get away, then the chairman of the investigating committee, or any other chairman, might be forgiven if he lost his patience, when later the man who happened to be in charge of carrying out the action covered up for his superiors.

I do not say it justifies the use of such language as was used toward a general who had the distinguished record which General Zwicker had. I would not have used such language. I do not think many other Senators would have used such language, namely, that General Zwicker was not fit to wear the uniform of an officer of the United States Army.

I do not say that the use of such language was justified, but I say that the Senator who used such language might be forgiven, if its use came as the culmination of a situation in which he had to send a letter to the Secretary of the Army, after he had learned that the man under investigation was about to get an honorable discharge; and after he had sent his letter he had then learned that first consideration had been given to the officer involved in the matter, and that the action "was about to be consummated" and given preference over the request of the chairman of a committee of the United States Senate.

Mr. JENNER. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. JENNER. I think a reading of the hearings of the select committee, on pages 166 and 167, might explain why it was that the select committee of the Senate was not able to get all the facts and evidence upon which the Senate is expected to act. Let me read:

Mr. WILLIAMS. Now, on that occasion, did you have a conversation with him regarding Senator MCCARTHY and the work of the Senate Permanent Investigating Committee at Fort Monmouth?

General LAWTON. I will have to respectfully decline to answer that question on the basis of the Presidential directive of May 17, 1954, regulations based upon that which prohibits members of the executive department from revealing conversations between employees thereof.

Mr. WILLIAMS. Do I understand, sir, that you refuse to answer the question which is directed to the substance of your conversation with General Zwicker?

General LAWTON. That is correct.

Mr. WILLIAMS. And I understand you base your refusal on the order of May 17?

General LAWTON. Yes.

Mr. WILLIAMS. Do you have a copy of that order with you, General?

General LAWTON. I haven't; no.

Mr. WILLIAMS. Don't you know, General, that order of May 17, 1954, referred only to the Government Operations Committee and the hearing then in session which was commonly known as the Army-McCarthy hearing?

General LAWTON. I recall exactly what you say, but I have taken advice from counsel and other sources and after that counsel, it is my belief that that directive not only applied to the so-called Mundt committee but it applies to this or any other; and, therefore, I still would have to respectfully decline.

Mr. WILLIAMS. General, will you tell this committee, counsel, and myself, with whom you talked about this since Monday night?

General LAWTON. I will have to respectfully decline to answer that one on the basis that the same directive—conversations between two employees of the executive—

I shall not take the time of the Senate to read all the colloquy, but at the top of page 168 of the hearings the following appears:

Mr. WILLIAMS. You talked to Mr. Brucker, the General Counsel of the Department of Defense; did you not?

General LAWTON. I will have to respectfully decline to answer that one, on the same basis.

How can Senators vote for censure when they do not have the facts?

Mr. CASE. Let me answer the Senator's question, in fairness to the se-

lect committee and in fairness to the Senate. I should say that the select committee was disturbed by that situation.

Mr. JENNER. I should think it was. Mr. CASE. The select committee designated the chairman of the committee, the distinguished senior Senator from Utah [Mr. WATKINS], and me to contact Secretary Wilson and tell him that we were not satisfied with the evidence which we had been able to develop from General Lawton under that restriction. We called Secretary Wilson one noon-time from, I believe, the office of the senior Senator from Utah. It was on the day when Secretary Wilson was about to depart for the special conference of the National Security Council, which President Eisenhower had called in Colorado. Secretary Wilson came up with Mr. Brucker, who was formerly Governor of Michigan.

We discussed the matter. I think the Senate is entitled to know about our conference, although I do not know whether it has ever been discussed or made public before.

Secretary Wilson and his counsel came before us and talked with us about the restrictive order. I may say, to give all due credit to the chairman of the select committee, that the chairman very vigorously said to Secretary Wilson, "We think you ought to take the wraps off General Lawton and General Zwicker, so that they can testify, and that we can get direct answers to some of the questions asked."

They first told that they were about to go to Denver for the conference with the President; that a time limit was involved, and they could not do anything at that moment. But the chairman of the select committee, the Senator from Utah [Mr. WATKINS], insisted that we should have some sort of answer that day. We suggested that the Secretary of Defense confer with the Attorney General, Mr. Brownell, with respect to the statutes involved, to see if it were not possible to get a relaxation of the order.

That was done, and the chairman received a letter, which appears on page 434 of the hearings. The background of the letter is contained in the record, but I can give it.

The letter, dated September 10, 1954, signed by C. E. Wilson, Secretary of Defense, is addressed to Hon. ARTHUR V. WATKINS, United States Senate, and was the result of the conference. The letter came before the select committee. In part, the letter reads:

Testimony regarding facts, and action documents in regard to orders, actions, and similar matters not directly affecting national security and not dealing with conversations, communications, and letters affecting policy and reasoning back of the actions in many cases are not prohibited by the aforementioned Presidential order.

Generals Lawton and Zwicker are being so advised. This was the intent of the advice previously given by General Counsel Brucker to General Lawton when he was advised that his retirement status did not change his responsibility under the Presidential order.

The full text of this letter will be furnished personally to Generals Lawton and Zwicker for their guidance.

It was on that basis that General Lawton, who was recalled before the committee, testified further in answer to questions, perhaps in not too great detail, but somewhat more freely than he had testified before. I think he left with the committee the feeling that he had the impression that General Zwicker was not friendly to Senator McCARTHY.

On the basis of Secretary Wilson's letter, also, General Zwicker testified in greater detail. That is why I think General Zwicker felt he could testify that he had personally notified the Chief of Staff of the First Army about the Peress request, whereas in the earlier hearing he had not felt free to discuss it.

Mr. JENNER. I thank the distinguished junior Senator from South Dakota for his explanation. I think he has contributed greatly to the debate.

Mr. BARRETT. Mr. President, at the outset I should like to pay my respects to the select committee. The task assigned to that committee was not only extremely unpleasant but exceedingly difficult as well. One is constrained to agree with the committee that it "faced an unprecedented situation," if not an impossible task, when it was called upon to bring in its report within a matter of weeks and, worse yet, to do so with "few precedents to serve as a guide."

I want to join with the statements made by many of my colleagues here on the floor of the Senate that the select committee are fair, upright, and honorable men and that each member of that committee enjoys the respect and the complete confidence of the entire Senate.

I want to congratulate the junior Senator from South Dakota [Mr. CASE] for the splendid manner in which he has presented his views on this entire matter and in particular the excellent dissertation here today.

Mr. President, I have been greatly disturbed about two matters in connection with the testimony of General Zwicker. In the first instance, as the distinguished junior Senator from South Dakota [Mr. CASE] has just indicated, General Lawton has testified at great length that he had called on General Zwicker in December 1953, and had discussed with him security problems at Fort Monmouth and the work of Senator McCARTHY's committee with relation thereto. General Lawton testified that he left the conference with the distinct impression that General Zwicker was antagonistic toward Senator McCARTHY.

Now, Mr. President, I was astounded when General Zwicker appeared before the select committee and testified that he could not recall discussing Senator McCARTHY in his conversation with General Lawton and I should like very much if the Senator from South Dakota can in any way account for the failure of General Zwicker to remember having any conversation with reference to the junior Senator from Wisconsin, particularly in view of the fact that General Lawton testified that he tried to explain to General Zwicker the work of the McCarthy committee in the Fort Monmouth investigation and endeavored to convince him that he did not think his attitude toward Senator McCARTHY was proper.

Mr. CASE. I do not know that I can account for it. I think we had to take both statements as they were submitted. It is entirely possible that General Zwicker may have had a conference with General Lawton which he did not recall at the time he was asked about it.

Mr. BARRETT. Can the Senator from South Dakota tell me if it is reasonable to believe that a general officer of the United States Army would not remember a conversation with another general officer with reference to a United States Senator?

Mr. CASE. The junior Senator from South Dakota is not going to speculate upon the ability to remember of any general officer of the United States Army. I think the record will have to speak for itself, and everybody will have to make his own judgment or appraisal of that. I personally do not feel that I know either officer well enough to speculate about his memory ability.

Mr. BARRETT. There is one other matter I should like to inquire about in connection with General Zwicker. There was a statement made, under oath, by a businessman from New York, by the name of Hamilton—

Mr. WELKER. Harding.

Mr. BARRETT. Hamilton or Harding, to the effect that he was sitting next to General Zwicker at one of the McCarthy hearings when General Zwicker was asked a question by Senator McCARTHY, and that, after answering the question and when he was sitting down, he heard General Zwicker mutter under his breath, "You s. o. b." When the select committee interrogated General Zwicker with reference to that incident, did he deny it?

Let me ask the distinguished Senator from South Dakota if he thinks it reasonable to believe that a general in the United States Army should have been able to remember whether he had used such offensive language and if he considers his answer entirely full and frank when he testified: "I do not recall making any remarks," and "I have searched my memory very carefully; and to this moment I have no recollection of having made any such remark?"

Is it reasonable to expect that a general officer of the United States Army would not remember, and could not say categorically that he either called Senator McCARTHY an s. o. b. or he did not call Senator McCARTHY an s. o. b.?

Mr. CASE. There is one aspect of that incident which has not been brought out. The question about which General Zwicker was asked at that time related to whether or not Peress had ever been officer of the day. If the Senator will read the questioning of General Zwicker at that time, I think he will see, and my recollection is, that that questioning occurred in the morning, when General Zwicker was sitting in the audience during the interrogation of Peress. It was not in the afternoon, when General Zwicker was called formally to testify.

At one time during the morning hearing Senator McCARTHY, noting General Zwicker's presence in the audience, apparently directed an inquiry to him and asked him whether he knew if Peress

had ever been OD, which means officer of the day. There followed questions which related to whether or not Peress had served as OD.

I am not impugning the honesty before the committee of the witness who came from New York—and he was the only witness to the incident—who testified to the s. o. b. utterance. I think it is entirely possible that he thought he heard such a remark. I do not question that, but I suggest that all interrogation at that point was as to whether or not Peress had been an OD. Then when Zwicker sat down, whether he said s. o. b. or OD, or something like it, I do not know.

But the whole incident is relatively immaterial. At best it would merely be a little sidelight indicating whether or not Zwicker at the moment felt a little disgust over the affair. I have never assumed that General Zwicker proceeded on the basis of fundamental antipathy toward Senator McCARTHY.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. BARRETT. Mr. President, will the Senator yield further to me?

Mr. CASE. I am glad to yield to the Senator from Wyoming.

Mr. BARRETT. The sole purpose of asking these questions with reference to General Zwicker is to ascertain if the Senator from South Dakota came to the same conclusion that I did after reading the hearings; namely, that General Zwicker was very definitely of the feeling that the United States Senate, a committee of the United States Senate, and the chairman of a committee of the United States Senate were interlopers, so to speak, when it came to interrogating a general officer of the United States Army.

Mr. CASE. No, I did not come to that conclusion.

Mr. BARRETT. I desire to ask the Senator if he believes that General Zwicker knew, which I am sure he must have known, of the provision in the Constitution that gives the Congress the power "to make rules for the government and regulation of the land and naval forces."

Mr. CASE. The Senator from South Dakota is aware of that fact.

Mr. BARRETT. I am not questioning whether the Senator from South Dakota is aware of it; I am talking about General Zwicker and whether it was the impression of the Senator from South Dakota that the general was aware that the United States Senate, as a part of the legislative arm of this Government, had a duty in connection with the hearings of the McCarthy committee.

Mr. CASE. I am sure he did. He came before a committee.

Mr. BARRETT. If the Senator from Nevada [Mr. MALONE] will bear with me for a moment, there is one other point about which I should like to inquire. I should like to ask the Senator from South Dakota if, by chance, the committee was able to get any explanation whatsoever of the third point in Senator McCARTHY's letter, and I read:

(3) As above stated, when this officer was assigned to a duty station at Yokohama, he

succeeded in getting those orders changed and being assigned to a duty station in the United States merely on the grounds that his wife and daughter were visiting a psychiatrist. As you and I well know, a vast number of young men with much more aggravated hardship stories of sickness in the family, etc., who request deferment from foreign service are of necessity required to serve their usual time outside this country.

Did anybody in the United States Army enlighten the committee and explain how Major Peress was able to get recalled from Yokohama before he even landed at the port and to be ordered back to duty at Fort Kilmer, N. J., especially when he did not even know the name of the psychiatrist whom his wife and daughter were consulting, and that was the basis upon which he was returned home?

Mr. CASE. That is one of the matters which I feel could have been appropriately investigated by the Army before it let Peress go. It is my feeling that, the Army having been alerted, and that question having been raised by the chairman of the committee, the responsible Army staff should have looked into the question before it let Peress get out of its jurisdiction.

Mr. BARRETT. Mr. President, will the Senator from South Dakota yield to me so that I may make an observation rather than ask a question, provided he does not lose the floor?

Mr. CASE. I yield for that purpose, provided I do not lose the floor.

The PRESIDING OFFICER (Mr. HRUSKA in the chair). Without objection, the Senator from South Dakota may yield for that purpose.

Mr. BARRETT. Mr. President, when I first read the testimony given by General Zwicker last February before the McCarthy committee I came to the very definite conclusion that he was not only uncooperative and evasive but hostile and provocative as well. I read the testimony of General Zwicker before the select committee last September. I grant that General Zwicker was a very fine and cooperative witness before the select committee, but I do not for the life of me understand how any Senator can conclude that since such was the fact that it follows that General Zwicker exhibited the same demeanor when he was testifying before Senator McCarthy.

Mr. CASE. Mr. President, the Senator from Wyoming is entitled to make his own evaluation of that, and so is every other Member of the Senate, on the basis of the record.

Personally, because of what I saw of General Zwicker when he was in attendance at some of the committee hearings in the week prior to the Monday at which he testified, I did not get an unfavorable impression of him, nor did I even get one from the testimony before Senator McCarthy.

I thought General Zwicker was very alert, mentally, because he drew a very careful line between things he could testify to from his own knowledge, as against something he had heard on the radio or something he had read in the press or something which would reflect information in official files. But, of

course, every Senator is entitled to form his own opinion on this point.

Personally, my opinion of General Zwicker is not the one which has been expressed by the Senator from Wyoming; but I accord to the Senator from Wyoming the fullest right to place his own interpretation upon the record.

Mr. WELKER. Mr. President, will the Senator from South Dakota yield to me for a brief question?

Mr. CASE. The Senator from Nevada [Mr. MALONE] has been on his feet for a long time, waiting to question me. So I should like to yield first to him for questions.

Let me state that I believe I should yield for questions only. I have been referring to a specific part of the matter, and now I yield only for questions.

Mr. BARRETT. Mr. President, at this time I should like to ask one more question of the Senator from South Dakota.

Mr. MALONE. Mr. President, I shall be glad to defer my questions, if that is agreeable to the junior Senator from South Dakota.

Mr. CASE. Very well, Mr. President; I yield further to the Senator from Wyoming.

Mr. BARRETT. In the light of the last statement made by the Senator from South Dakota, I should like to ask him whether he remembers a question asked by counsel for the committee, Mr. de Furia, and the answer, as they appear on page 465 of the hearings, as follows:

Do you recall discussing Senator McCarthy, in your conversation with General Lawton?

General ZWICKER. No, sir.

I cannot, for the life of me—

Mr. CASE. Is this a question, Mr. President?

Mr. BARRETT. I shall come to the question in a moment. I cannot, for the life of me, understand how a general officer in the United States Army could forget a conversation of that character; and I should like to ask the Senator from South Dakota whether he agrees or disagrees on that point.

Mr. CASE. I think the first question the Senator from Wyoming asked, in the course of his last general interrogation, was whether I recalled that matter. Let me say that that took place the one day of the hearings before the select committee at which I was not present, as I have previously stated.

Before agreeing with the Senator from Wyoming whether that is a proper expression of the memory of a general officer of the United States Army, I would have to know more about the circumstances of the meeting between the two generals, and I have previously indicated that I do not know enough about either officer to speculate about their memory ability. So I let the Senator from Wyoming express his own opinion of it. I refrain from expressing an opinion, for the reasons I have set forth.

Mr. MALONE. Mr. President, will the Senator from South Dakota yield to me at this time?

Mr. CASE. Now I yield to the Senator from Nevada, for a question.

Mr. MALONE. I believe the junior Senator from South Dakota made a val-

uable contribution to this debate on November 15, when he said, in words of one syllable in regard to the second count of the resolution:

Therefore, I shall not vote for it.

I ask the distinguished Senator to confirm that it was because he had found new evidence—

Mr. CASE. Very definitely so.

Mr. MALONE. That the proper Army officers had been alerted of the position of Major Peress prior to his honorable discharge from that body.

Mr. CASE. In time.

Mr. MALONE. They were officially notified prior to the discharge of Major Peress.

Mr. CASE. And that instead of the matter before the Army staff being that a discharge, which presumably had been issued, "should be reversed," as was suggested by Secretary Stevens' letter of February 16, it actually was consideration of a discharge "about to be consummated," as he states in his letter of last Saturday.

Mr. MALONE. And about which he had full knowledge before the discharge was issued?

Mr. CASE. The letter of the junior Senator from Wisconsin, now set forth in full text before the Senate, is certainly evidence that if it was before the responsible Army staff and was given consideration in connection with a discharge "about to be consummated," they had official knowledge of it.

Mr. MALONE. If the Senator will yield further, let me say that those of us who are trying to keep close account of the happenings on the floor of the Senate are now aware that the distinguished Senator from South Dakota has changed his mind on count No. 2—leaving only one count on which, presumably, he would vote censure.

Mr. CASE. Permit me to say that I did not change my mind; instead, the new evidence changed my mind for me.

Mr. MALONE. I assume that the Senator from South Dakota had adequate reasons for changing his mind, but he did change it. I merely wish to have my own understanding confirmed.

Mr. CASE. Let me also point out that I did not initiate the conference with Secretary Stevens. The conference was the result of a question raised by the Senator from Kansas [Mr. CARLSON], as to whether we could obtain further information on the Peress matter.

When I went to Senator Watkins' office that afternoon, I did not even know that Secretary Stevens was there. I had nothing to do with the matter he brought up. But apparently Secretary Stevens thought it was germane to the question involved to submit in full text, the letter Senator McCarthy had written.

Mr. MALONE. I thank the Senator from South Dakota for that explanation. But I still wish to determine the status of the charges at this time.

Now the Senator from South Dakota has changed his mind on the second count.

Mr. CASE. The evidence changed my mind.

Mr. MALONE. Very well; I accept the correction. But regardless of whatever caused him to change his mind—he has changed it.

CHAIRMAN SEEKS TO AMEND RESOLUTION

Apparently the reason was a lack of competent evidence at the time—the Senator from South Dakota is aware, is he not, that the chairman of the select committee, Senator WATKINS, has said he has a further censure charge he asserts he will offer.

Mr. CASE. He said that. He said that he, the Senator from Utah, had been charged with being a coward, and that he would submit the motion to which reference has been made, if no other Senator submitted it. I respect him for that statement; the Senator from Utah is no coward.

Mr. MALONE. The Senator from Nevada has never said anything derogatory about any Member of the Senate, and does not intend to do so. But he is trying to determine the status of this matter at the present time.

Then the chairman of the select committee has said he has a further censure amendment to submit; is that correct?

Mr. CASE. Yes; if no other Senator submits it. I think the junior Senator from Utah [Mr. BENNETT] has indicated that he would submit a motion along that line.

Mr. MALONE. So a new censure resolution or amendment is in the offing?

Mr. CASE. The record speaks for itself on that point.

Mr. MALONE. Then is the Senator from South Dakota cognizant of the present status of the resolution when one Senator member of the committee has repudiated one-half of Resolution 301, and two other Senators—one the chairman of the censure committee—have warned the Senate of pending amendments?

Mr. CASE. Mr. President, I think Senators will remember that last week when I first spoke upon this subject, during the first afternoon I addressed the Senate—informally and unexpectedly—I was interrogated at one or two points—perhaps more—about the Zwicker matter. I indicated that I preferred not to discuss that subject at that time.

Either that day or the succeeding day the distinguished Senator from Indiana [Mr. CAPEHART] asked me some very pointed questions about the Zwicker-Peress matter. I pointed out, first of all, that the second count was not pending, that the first amendment is within the text of the original Flanders resolution, and that until the first amendment is disposed of the second amendment will not be pending, so I indicated that I preferred not to discuss this subject until later.

Thereafter the Senator from Indiana said, in effect, "It is a part of the whole picture, and there is no reason why we should not discuss it." I agreed that there was no reason why it should not be discussed, except that I preferred not to discuss it for the reason given.

As he proceeded with his interrogation he asked whether or not the com-

mittee had endeavored to obtain any additional information. I sidestepped that question a bit, I think. I did say that if collaterally we developed any information with regard to the Peress matter it would be made available to the Senate. That was not an accidental statement. It was made because of the fact that I knew that on Tuesday the select committee had adopted a formal motion requesting the chairman to get in contact with the Secretary of the Army, Mr. Stevens, and ask him to meet with the committee in order that we might determine whether he had further information.

That was why I said last week to the Senator from Indiana that I preferred not to discuss the subject further, but added that if we developed some information collaterally on the subject we would bring it to the attention of the Senate or make it available. That was why, on Monday, at the first opportunity following the disclosures over Saturday and Sunday, I brought the information to the attention of the Senate.

At this point let me say also that I did not broadcast the information first. As I was coming downtown in a cab Monday morning I asked myself, "What is the logical, honest, and proper thing for me to do in this situation?" I said to myself, "I think the thing for me to do is to write a letter to the chairman of the committee telling him how I feel about the matter." He had sent a letter to my office, following a telephone conversation. I took it home, and there I reviewed the testimony. Monday morning when I returned to the Capitol, I said to myself, "I will write a letter to the chairman of the committee."

When I reached my office I dictated a letter and asked my secretary to make some extra copies of it. When the letter was brought back to me I was not satisfied with the phraseology in a few places, so I followed an old editorial habit. I did a little blue penciling. I said to my secretary, "I think this letter had better be recopied. There are too many interlineations and changes." So I asked her to recopy it. I said, "Address an envelope to each member of the select committee," which she did.

I came to the Senate Chamber some time between 11 and 12 o'clock Monday morning with the sealed envelopes in my hand, one of them addressed to the chairman and one addressed to each other member of the select committee. I had an extra copy, which I expected to insert in the RECORD.

I had intended that the copy for the chairman of the committee would be delivered first, but the page did not quite understand. However, within a matter of a few seconds, or certainly less than a minute, a sealed envelope containing a copy of that letter was in the hands of every member of the select committee.

At the conclusion of the letter which was addressed to the chairman, I stated that I was making copies available to the other members of the committee and to the Senate, for the purpose of making it public, because I thought, to be consistent with the record before the Senate, and to be consistent with my statement to the Senator from Indiana [Mr. CAPE-

HART], the information should be made available. So from the file copy which was left at the office a stencil was made and copies were run off and made available to the press within an hour or so after the letter went to the chairman and the other members of the committee.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. MALONE. Does the Senator understand that Senate Resolution 301 will be voted upon by sections, or as a whole?

Mr. CASE. As I have previously indicated, I understand that if nothing else intervenes, the first vote will be a vote on the first committee amendment, the amendment to section 1. It is within the first and last words of the original Flanders resolution. There will be a vote on that amendment before there is a vote on the amendment proposed as section 2.

Mr. MALONE. Does the resolution now read as it is proposed to be voted upon?

Mr. CASE. It does. On page 2 the Senator will note that in line 5 the last three words are in roman letters. The words ahead of that appear in italics. That is the form in which the Senate indicates amendments and original text.

Mr. MALONE. That was a correction made by the chairman originally; was it not?

Mr. CASE. Oh, no. That was the form in which the amendment was agreed upon and presented to the Senate.

Mr. MALONE. Meaning that it was amended before being presented to the Senate—but passing that question, Mr. President, whether we vote once or twice, in the opinion of the Senator from Nevada, the distinguished Senator from South Dakota, has contributed greatly to this debate by his honesty and straightforwardness in coming forward when evidence was available to show that the higher officers who arranged for the discharge of Peress were aware of the accusations, and were officially informed, contrary to the implications of this testimony, or contrary to the understanding which the Senator from South Dakota had in the committee hearings. Is that true? The Senator did not obtain that idea in the hearings. It was never made clear in the hearings. The question was evidently not asked.

Mr. CASE. That is correct.

Mr. MALONE. If not denied, it had at least been covered up or made indeterminate for the testimony.

Mr. CASE. No; it was not covered up. I certainly would not intimate that any person on either side covered up that matter. It simply was not brought forward.

Mr. MALONE. It perhaps so happened that no one asked the question?

Mr. CASE. The only suggestion with respect to the contents of the letter of February 1 was Senator McCARTHY's own summary of it, which did not do justice to the letter, in my opinion.

Mr. MALONE. It so happened, did it not, that no member of the committee asked the direct questions?

Mr. CASE. It so happened that no member asked direct questions about it. If the Senator will read the transcript

of the hearing on September 13, when General Zwicker was before the committee, at which time the first reply letter from Secretary Stevens, the letter of February 16, was introduced, he will find that some questions were asked by the Senator from Colorado [Mr. JOHNSON], the Senator from Mississippi [Mr. STENNIS], or the Senator from Kansas [Mr. CARLSON] which almost skirted the subject. The Senator may wonder why the question did not arise at that time, but it so happened that it did not occur to anyone.

Mr. MALONE. At least three Senators, including the Senator from South Dakota, have suggested either that they do not agree with the resolution in its present form, or that they will offer amendments to it. That is true; is it not?

Mr. CASE. That is true.

Mr. MALONE. Those of us who had no opportunity to attend the hearings and listen to the evidence, because we were in an area west of the Potomac engaged in other activities before the election in November, are left no alternative but to question the members of the censure committee; then, when they do not agree, confusion only can result.

It has been customary, over the period of 8 years during which the Senator from Nevada has been a Member of this distinguished deliberative body, that when the committee reporting a bill or resolution became divided or confused, a motion to recommit to the committee is in order, so that the committee itself may have a meeting of the minds and then come before the Senate and explain exactly what they want the Senate to do.

Would the Senator from South Dakota support such a motion?

Mr. CASE. The Senator from South Dakota is not interested in having any additional duties assigned to the select committee of which he is a member.

Mr. MALONE. That could be considered facetious. It is not a question of acquiring or dodging work; it is a matter of properly completing the job.

Furthermore, let me say to the Senator from South Dakota, we should conform to the Constitution of the United States, which provides that "each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member."

There is nothing in the constitutional provision which indicates that there must be a reason for expelling a Member of the Senate. All that is necessary is to have the requisite number of votes. Some of us are interested to know exactly what the position of the committee is at this time.

Mr. CASE. I have tried to clarify the situation so far as I am concerned.

Mr. MALONE. Yes; and the chairman of the select committee clarified his position. I would again refer to the situation as it now stands, namely, that three Senators, two of them members of the committee, and one of those two the chairman of the select committee, expect to offer amendments, or do not agree with the resolution as it is now before the Senate.

Mr. CASE. Of course, so far as—

Mr. MALONE. The debate being rather heated, I would ask the Senator from South Dakota if he does not believe that some of us have a right to ask for clarification.

Mr. CASE. I shall not say that it is a simple matter; it is quite a complex matter. I have tried to yield generously to any Senator who wished to ask me questions. I have tried to clarify any questions with respect to the subject. I think, however, that the motion which one or the other of the two Senators from Utah indicated they might offer ought not to be regarded as confusing with respect to the matter it reaches, namely, something that occurred during the debate in the present session of the Senate.

Mr. MALONE. The Senators propose an addition to the resolution, is that correct?

Mr. CASE. That is correct.

Mr. MALONE. That would be very important, would it not?

Mr. CASE. Yes, it would be, but I think that Senators all know how they feel about it.

Mr. MALONE. All of them, of course, do not know and will not know until the committee can agree on their recommendations.

Mr. CASE. Perhaps so.

Mr. MALONE. I am speaking for the Senator from Nevada.

Mr. CASE. The Senator from Nevada is entitled to his opinion.

Mr. MALONE. It is not an opinion.

Mr. CASE. Or the lack of an opinion.

Mr. MALONE. Listening to the evidence—or lack of it, so far.

Mr. CASE. The Senator is entitled to a lack of opinion.

Mr. MALONE. The Senator is entitled to know what the committee recommends.

THE FIRST RECOMMENDATION FOR CENSURE

I would like to ask the Senator from South Dakota another question, with regard to the first charge in the resolution, namely—

That the Senator from Wisconsin, Mr. McCARTHY, failed to cooperate with the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration in clearing up matters referred to that subcommittee which concerned his conduct as a Senator and affected the honor of the Senate and, instead, repeatedly abused the subcommittee and its members who were trying to carry out assigned duties.

If it were determined and established that the committee itself had no authority to subpoena a Senator—that it had been determined as a precedent over a number of years and had been demonstrated several times that it is the privilege of a Senator invited to come before a committee to exercise his judgment as to whether he testifies and that there is no authority to subpoena a Senator—would that fact make any difference in the conclusion of the distinguished members of the select committee relative to the first accusation as a ground for the censure of the junior Senator from Wisconsin?

Mr. CASE. The Senator from South Dakota, in his formal statement made

last Friday, stated that so far as he was concerned he did not believe the junior Senator from Wisconsin received a request from the Subcommittee on Privileges and Elections at a time when he might have appeared within the terms of the request, and that if we were considering it purely on a legal contempt basis of due notice and order to appear, a legal basis did not exist. However, I did state that I did not feel that that covered the whole ground in that particular aspect of the situation.

I may say to the very able Senator from Nevada that he is proceeding to a point in connection with this whole subject on which I had wished to conclude my remarks. If the Senator will permit me to do so, I should like to conclude my remarks on that point.

Mr. MALONE. If the Senator will further yield, I shall not interrupt him again. I am trying to get information. I know the Senator has been very generous with his time in that regard.

However, the Senator from Nevada is not clear as to the position of members of the committee. He was not confused when he first read the resolution. It was only a question of listening to the debate and deciding whether to vote for the resolution or against it.

However, the Senator from Nevada has become confused by the lack of unity of the members of the censure committee, particularly with respect to what constitutes a ground for censure.

No one, least of all the distinguished junior Senator from South Dakota, has ever said in my hearing at least that the junior Senator from Wisconsin had violated any rule of the Senate. I have heard it said in heated argument that he should not talk the way he does and that he should not use the kind of language he uses.

Mr. CASE. Of course, with reference to the remarks of the junior Senator from Wisconsin which he inserted in the RECORD the other day, wherein he referred to the activities of the select committee, even though he qualified them by using the word "unwitting," if those remarks had been uttered on the floor of the Senate, instead of being inserted as a statement in the RECORD, the Senator from Wisconsin would have violated a rule of the Senate with regard to certain implications about other Members. Had he made the remarks on the floor of the Senate, I believe he could properly have been seated.

Mr. MALONE. Does the Senator mean "unseated"?

Mr. CASE. No; seated—that is, he would be asked to take his seat. He would be taken off the floor for speaking in such terms. Then another Senator could make a motion that the junior Senator from Wisconsin be allowed to proceed in order.

Mr. MALONE. That has happened several times during the membership of the Nevada Senator in this great body. I have listened for nearly 2 weeks, and have read the CONGRESSIONAL RECORD diligently every day. I must say to the Senator from South Dakota I have been trying to determine from the debate what the grounds for censure are.

Since the Senator from South Dakota has been a Member of the Senate, and many times since the Senator from Nevada has been a Member of the Senate, there have been occasions when a Senator has objected to a remark made by another Senator, and the Senator making the remark has been required to take his seat. Then, after tempers had been permitted to cool, a motion was made that the Senator be permitted to proceed in order, and the Senator then was permitted to proceed in order. However, no one has ever suggested that a censure resolution be adopted in such a situation.

Therefore, I should like to close by saying, if I may, that the Senator from Nevada still can find no ground for censure, and he is supported in that belief by the debate with the Senator from South Dakota. He now apparently does not agree with either of the two parts of Senate Resolution 301.

I agree wholeheartedly with the distinguished Senator from South Dakota in his retraction of his support of the No. 2 censure—that he would not vote for it. Also that he can find no reason to support the first part of the resolution since there is no authority to require a Senator's appearance before a committee—long procedure established the definite precedent that it is left to the judgment of the Senator himself as to whether or not he appears.

There is no substance left to Resolution 301.

Mr. DIRKSEN. Mr. President, will the Senator yield for a question?

Mr. CASE. I yield.

Mr. DIRKSEN. I understand it is the present conviction of the Senator from South Dakota, based upon conferences with the Secretary of the Army, based on new evidence that has been disclosed, and based on the Senator's analysis of certain letters which came to his attention, that section 2 of the pending resolution should be stricken. Is that correct?

Mr. CASE. It ought not to be offered; if offered, it ought to be voted down.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. WELKER. Will the Senator allow me to make an observation?

Mr. CASE. If I do not lose the floor, I shall be glad to have the Senator do so.

Mr. WELKER. I have taken much time of this great body. I cannot too highly praise the distinguished Senator from South Dakota for his kindness and honesty and fairness in attempting to bring out before this court of justice the facts that all of us ought to know.

Now I should like to ask a question. Knowing, as the Senator from South Dakota does, that the junior Senator from Idaho has not seen—and he defies anyone to produce it—any law or any precedent for censuring a Senator for words spoken, either on or off the floor of the United States Senate, and realizing that I disagree with the select committee in that respect, does the Senator from South Dakota think it would follow that such an additional resolution of censure should be filed against the junior Senator from Wisconsin, when he is

defending himself in a criminal action for calling some Senator—I believe in this case it was alleged he called the senior Senator from Utah a coward—

Mr. CASE. Off the floor.

Mr. WELKER. Off the floor, or on the floor, or wherever it happened. Does the Senator think it would follow that an additional resolution should be offered or an amendment proposed, or something of that parliamentary nature, censuring other Senators who had uttered such words against the junior Senator from Wisconsin to the effect that he was a Hitler, or a follower of the Communist line, and statements which certainly implied to all the world—and I am being charitable in saying that—that he was a sexual pervert and—

Mr. CASE. Mr. President, I do not recall any such statement.

Mr. WELKER. I am willing to argue that upon the question of the implication. I used the word "implied."

Mr. CASE. Whatever the Senator's question may be, my answer is not going to be predicated upon the assumption that any such statement was made.

Mr. WELKER. Very well. I certainly would not propose a resolution unless I felt that the implications impugned the character of a fellow Senator with respect to that allegation.

I would ask also with respect to statements made before the Senate that the junior Senator from Wisconsin was a liar, that he made false accusations, and things of that nature. Would my distinguished and able friend tell me whether, in his opinion, such additional resolutions could and should properly follow?

Mr. CASE. Mr. President, the junior Senator from South Dakota last week, at one point during the debate, stated that the committee gave some consideration to the statements which were uttered by the Senator from Vermont [Mr. FLANDERS] in connection with one of the amendments referred to the committee relating to the remarks of the junior Senator from Wisconsin about the Senator from Vermont, and it was our conclusion, as stated in the report, that the remarks by the Senator from Wisconsin were provoked.

I will state further, as I think I said at that time, that the remarks he made, whether seriously or not, were such that possibly the select committee should make some recommendation with reference to the conduct of the Senator from Vermont, but we felt that was not a matter referred to the select committee, so we made no recommendation with respect to it.

The principle involved in the suggestion now offered by the Senator from Idaho is consistent with the many cases he cited to us during his exhaustive and lengthy discourse of yesterday and the day before. I think his suggestion and the La Follette case, which is on the other side, fall into the category of logic known as the fallacy of false parallels; the error in this instance deriving from the fact that in the recommendation of the committee there are two elements involved, one, the failure to assist a committee of the Senate in

clearing up a matter wherein the honor of the Senate and the honor of a Senator himself were involved, and, instead, repeatedly abusing the subcommittee and its members for trying to carry out their duties, thereby tending to obstruct the legislative processes of the Senate.

That leads me again to the point which is the crux of the matter. The real test, so far as I am concerned, whether the Senate ought to adopt any resolution of censure with reference to the action complained of, is a twofold action, namely, a failure to help the committee carry out the duties imposed upon it, and at the same time using derogatory language which also would tend to discourage or prevent the committee from acting. That is the basic issue.

In a case where either element is lacking there is a different situation. I am not saying that a flagrant case may not arise in which derogatory language is of such character and of such degree as to warrant censure. I am not saying that such a case may not arise. I am not saying that at some time there might not be a case where a Member of the Senate by some action prevented a committee from carrying out its functions by locking the door, or whatever it might be, thereby giving a basis for censure.

But in section 1 we have presented two phases of the action, not so serious as locking the door or destroying the files, or something of that kind. I think the Senator will agree with me that if a Member of the Senate were charged with certain actions which were very serious, such as obtaining certain files and destroying them, that would be a case in which the Senate would want to take some action. That would be preventing the Senate from functioning; it would be obstructing the legislative process.

Similarly, there might be a situation where some Senator might repeatedly and insistently, day after day, indulge in derogatory language, preventing the Senate from carrying out its functions.

Mr. WELKER. What would the Senator do with rule XIX, subsection 2? Would he disregard that or would he have it enforced?

Mr. CASE. I would exercise it first.

Mr. WELKER. If a Senator continued to use violent language which disrupted the legislative process of this great body, certainly there would be action to prevent him from continuing.

Mr. CASE. If he repeatedly did that. That brings me to the point on which I wish to conclude the matter.

Mr. WELKER. I want the Senator to conclude, but the Senator brought up a matter as to which I do not agree with him. This is the first time in the history of the Republic that a censure resolution has been presented with reference to words spoken on the floor, off the floor, or in any other place, involving a Senator or any other person.

Mr. CASE. I would not, under the circumstances prevailing today, with the junior Senator from Wisconsin necessarily absent by reason of illness, present any argument on the first count with a view to influencing the action of the Senate.

Mr. WELKER. I have only one other question, Mr. President, and it involves the junior Senator from Idaho. With respect to the first count, setting forth that the junior Senator from Wisconsin did not cooperate with the Gillette-Hennings committee, I ask the Senator from South Dakota whether he has read my full telegram of resignation and whether he does not feel that I should be the next man censured because I failed to cooperate with the committee; I interrupted the legislative process in that instance; I refused to remain a member of the committee, and explained why, in very strong language.

Mr. CASE. But the action of the Senator from Idaho did not prevent that committee from functioning.

Mr. WELKER. In the findings of the committee it is stated by the committee itself that the committee's work had been hampered by several changes of Senators because of resignations.

In conclusion, I wish to thank my distinguished friend for permitting me to interrupt him.

Mr. FERGUSON. Mr. President, will the Senator from South Dakota yield?

Mr. CASE. I yield.

Mr. FERGUSON. I wish to ask unanimous consent, with the understanding that the Senator from South Dakota shall not lose the floor, that the Senate may take a recess for 1 hour.

Mr. CASE. I appreciate the courtesy and the suggestion of the Senator from Michigan, but if a recess is to be taken with the understanding that I am to resume the floor following the recess, I am afraid I shall get into a discussion all over again. I really feel that I can conclude what I have to say in less than 2 minutes.

However, I yield for a single question to the distinguished senior Senator from North Carolina [Mr. LENNON], who has been on his feet for several minutes. Then I should like to continue for 2 minutes so that I may conclude my remarks. I shall then be glad to yield for a motion to recess.

Mr. LENNON. Mr. President, I have a series of questions which I had intended to ask with respect to the announcement by the Senator from South Dakota that he did not intend to support the second count of the censure resolution. I wondered if he would be willing to remain on the floor for at least 10 minutes longer, although I know he has been on his feet for quite a while.

Mr. CASE. At a later time I shall be glad to yield to the Senator from North Carolina for whatever questions he may wish to ask me.

I now yield to the Senator from Michigan.

Mr. FERGUSON. Mr. President, I yield to the Senator from California [Mr. KNOWLAND].

Mr. CASE. I shall be glad to yield to the Senator from California, but I hope he will not move to recess until I have had an opportunity to proceed for about 2 minutes. Then I shall be glad to yield.

Mr. KNOWLAND. Very well.

Mr. CASE. Article I, section 6, of the Constitution provides, with respect to

Senators and Representatives, as follows:

And for any speech or debate in either House, they shall not be questioned in any other place.

That is the constitutional backdrop for free speech, which we seek to maintain in the Congress of the United States, particularly in the Senate. I have the very definite feeling that the speech of Senators ought not to be the basis for censure, unless it tends to obstruct the processes of the Government.

Mr. President, I ask unanimous consent to have printed at this point in my remarks the very able memorandum relating to propriety of censure for language used off the floor of the Senate, prepared by counsel for the junior Senator from Wisconsin, which appears at pages 571 to 574, inclusive, of the hearings before the select committee.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

V. MEMORANDUM RELATING TO PROPRIETY OF CENSURE FOR LANGUAGE USED OFF THE FLOOR OF THE SENATE

Category IV of the charges now under study by this committee relates to certain remarks allegedly made by Senator McCARTHY off the floor of the Senate. It is his position that the censure power is nothing more or less than the power to punish for contempt. It is his further position that Congress can only punish language as contemptuous if such language has a real and immediate tendency to obstruct the legislative process. Clearly the testimony which has been introduced under category IV does not show that Senator McCARTHY has employed language of this nature.

It is recognized that the censure power is derived solely from the power to punish for disorderly behavior which is conferred by article 1, section 5, of the Constitution. See remarks of Senator Daniel, of Texas, CONGRESSIONAL RECORD, 83d Congress, 2d session, page 12919; remarks of Congressman Black, of Texas, CONGRESSIONAL RECORD, 67th Congress, 1st session, page 6891; report of Senators McComas, of Maryland, Beveridge, of Indiana, and Pritchard, of North Carolina, in the so-called Tillman-McLaurin case, CONGRESSIONAL RECORD, 57th Congress, 1st session, page 2205. This proposition has already been advanced by counsel for Senator McCARTHY.

It is likewise settled that the power to punish for disorderly behavior is nothing more or less than a constitutional codification of the inherent power of all legislative bodies to punish for contempt. As has already been pointed out by counsel for Senator McCARTHY, the Supreme Court of the United States has expressly so held. See *Marshall v. Gordon* (243 U. S. 521, 526); *Anderson v. Dunn* (6 Wheat. 204, 225).

The Supreme Court has also held that no language can be punished as contemptuous unless it has a real and immediate tendency to impede the legislative process. Squarely in point is the case of *Marshall v. Gordon*, *supra*. There a Member of the House of Representatives was indicted under the Sherman Act in the southern district of New York. He made certain charges against the district attorney for the southern district and requested the Judiciary Committee to investigate such charges insofar as they might constitute grounds for impeachment. While this investigation was going on, an article appeared in a daily newspaper charging that the writer was informed that the committee was endeavoring rather to investigate and frustrate the action of the grand

jury than to investigate the conduct of the district attorney. When the writer declined to name his informant, the district attorney addressed a letter to the committee chairman, avowing that he was the informant referred to in the article and repeating the charges there made in amplified form. The language of these charges was manifestly ill tempered and well calculated to arouse the indignation of the House generally. The letter was given to the press and published contemporaneously with its receipt by the chairman.

After a select committee concluded that the letter was defamatory and insulting and that it tended to bring the House into public contempt and ridicule, the district attorney was arrested for contempt. He brought habeas corpus to test the legality of his detention, and the Supreme Court held that he must be discharged because his language was not contemptuous in that it did not tend to obstruct the legislative process. At 243 United States 545-546 the Supreme Court gave the rationale of this decision:

"There is room only for the conclusion that the contempt was deemed to result from the writing of the letter, not because of any obstruction to the performance of legislative duty resulting from the letter, or because the preservation of the power of the House to carry out its legislative authority was endangered by its writing, but because of the effect and operation which the irritating and ill-tempered statements made in the letter would produce upon the public mind, or because of the sense of indignation which it may be assumed was produced by the letter upon the members of the committee and of the House generally. But to state this situation is to demonstrate that the contempt relied upon was not intrinsic to the right of the House to preserve the means of discharging its legislative duties, but was extrinsic to the discharge of such duties, and related only to the presumed operation which the letter might have upon the public mind and the indignation naturally felt by members of the committee on the subject."

Thus the Supreme Court held that remarks made in the press cannot be punished as contemptuous merely because they tend to bring Congress into ridicule or disrepute. There must, in addition, be a finding that such remarks inherently obstruct or prevent the discharge of legislative duty.

This rule is not peculiar to the congressional power to punish for contempt. It is also a limitation upon the power of a court to punish for contempt. The most recent Supreme Court case in this field is *Craig v. Harney* (331 U. S. 367, 373, 376). There petitioners published certain articles in a Texas newspaper regarding the action of a State judge in directing a verdict in a certain lawsuit. His ruling was characterized as arbitrary action and a travesty on justice. It was deplored that a layman, rather than a lawyer, was acting as the judge in this case. The ruling was labeled a "gross miscarriage of justice," which brought down the wrath of public opinion upon his head and repudiated the first rule of justice.

Petitioners were imprisoned for contempt on account of these articles. They brought habeas corpus to test the legality of their detention, and the Supreme Court held that they must be released because their language did not constitute a clear and present danger to the administration of justice, stating:

"The history of the power to punish for contempt . . . and the unequivocal command of the first amendment serve as constant reminders that freedom of speech and of the press should not be impaired through the exercise of that power, unless there is no doubt that the utterances in question are a serious and imminent threat to the administration of justice.

"The vehemence of the language used is not alone the measure of the power to punish for contempt. The fires which it kindles must constitute an imminent, not merely a likely, threat to the administration of justice. The danger must not be remote or even probable; it must immediately imperil."

Thus the Supreme Court has held that language employed outside of a courtroom cannot constitute contempt of court unless it constitutes an imminent obstruction to the judicial process. The rule here is the same rule which obtains in congressional contempt cases and is predicated upon the same principle, namely, that the power to punish for contempt is a power of self-preservation alone, and exists only to the extent required by this objective.

Both Houses of Congress have repeatedly recognized that they can punish language spoken off the floor of the Senate or the House only in the most exceptional circumstances. The Senate of the United States has never censured a Member for language employed off the floor. So far as careful research reveals, the House of Representatives has never censured a Member for language employed off the floor. Certainly Senator McCARTHY is not the first Member of this body who has allegedly used "insulting" language concerning his colleagues off the floor of Congress. The conclusion is irresistible that there was no censure in these prior cases because Congress felt it had no power to pass a censure resolution.

This conclusion is substantiated by the remarks of Speaker Gillette of the House of Representatives on March 24, 1924, set forth at VI Cannon's Precedents, section 584. In response to a parliamentary inquiry from John E. Rankin, of Mississippi, the Speaker said:

"Well, the Chair thinks, no matter what a person says outside, a Member attacked has a right outside to say what he pleases and has a right also on the floor of the House to answer any argument or attack, provided he does not violate the rule as to personalities. As to them the Chair thinks the rules apply, no matter what the provocation may be."

In other words, Congress has no jurisdiction over remarks made off the floor of Congress in the usual case.

This distinction between the power to punish for language used in debate and the power to punish for language used outside of debate finds support in the fact that a Member is immune from civil liability only for language of the former type. A Member is not answerable in the courts for language employed on the floor of Congress, but he is answerable to the Congress itself for such language. On the other hand, a Member is answerable in the courts for language employed off the floor of Congress, and hence it seems logical that he should not generally be answerable to Congress itself for such language.

Counsel for Senator McCARTHY does not, of course, contend that a censure resolution may never be predicated upon conduct committed off the floor of Congress. For example, it is settled beyond dispute that a Member may be censured for complicity in the offense of bribery, although no part of the offense was committed within the walls of Congress. The obvious reason for this result is that bribery, wherever consummated, constitutes a real and imminent obstruction to the legislative process. A Member may likewise be censured for a physical attack upon the person of another Member outside of the walls of Congress. Such attacks obviously obstruct the legislative process because they hinder the Members in the performance of their legislative duties.

Nor does counsel for Senator McCARTHY contend that language spoken off the floor of Congress can never form a predicate for a censure resolution. As indicated by the Supreme Court, there may be instances

where such language has a real and immediate tendency to obstruct the legislative function. In such a case, of course, language of this nature would support a resolution of censure.

The test is always the same: Did the conduct obstruct or endanger the legislative process? This test is applicable to any offense upon which a censure resolution is predicated, whether it be a physical assault upon the person of a Member or whether it be language derogatory of a Member. In the present case, it is crystal clear that the language allegedly employed by Senator McCARTHY could not and did not endanger the legislative function. It is likewise crystal clear that this language could not and did not obstruct the legislative function. The precedents reveal that neither House of Congress has ever censured a Member for language employed off the floor of Congress, thus substantiating the conclusion that such action may be taken only in the rare and exceptional case where such language does in fact have an obstructive tendency.

For the foregoing reasons, it is respectfully urged that Senator McCARTHY cannot be censured for any of the alleged offenses set forth in category IV of the present charges.

Mr. BROWN. Mr. President, will the Senator from South Dakota yield for the suggestion of a possible correction in his statement?

Mr. CASE. I am happy to yield to the new Senator from Nevada. I invite his question at this time.

Mr. BROWN. Did the Senator from South Dakota mean to say "processes of the Government," or did he desire to confine his statement to the legislative processes?

Mr. CASE. I am glad the distinguished Senator from Nevada has raised that question, because it brings out a point involved here.

The first part of the memorandum prepared by Mr. Williams, counsel for the junior Senator from Wisconsin, relates to some Supreme Court cases involving the question of the obstruction of legislative processes. The memorandum cites the most recent Supreme Court case on the question of contempt, the case of *Craig v. Harney* (331 U. S. 367), a Texas case, which involved the interruption of judicial processes because of words spoken outside the court.

In those approaches to the question, one finds the suggestion that utterances outside the body might be considered a basis for censure only if they obstruct or endanger the processes of the Government, in the one case the legislative process, in the other the judicial process.

Finally, on page 574, counsel suggests:

The test is always the same: Did the conduct obstruct or endanger the legislative process? This test is applicable to any offense upon which a censure resolution is predicated, whether it be a physical assault upon the person of a Member or whether it be language derogatory of a Member.

Or, as in the case suggested, it might be applicable where a Member might get possession of the files of a committee, or something like that, and otherwise make it impossible for the legislative processes to operate.

Applying that to the principle involved in the proposed section 3 of the resolution, the reason why I felt that that section should not stand was that it rests upon the conclusion that, thereby, there

was a tendency to destroy the good faith which must be maintained between the executive and legislative branches of our Government.

It is my contention that on the basis of the letter of Secretary Stevens of last Saturday, the breach of good faith occurred at the other end of the street; that the breach of good faith was the failure to respect a letter from the chairman of the Senate committee when it was received in time to forestall action which was about to be consummated, in contradistinction to the situation which appeared to exist before that time, namely, that a request had been made for the reversal of action which had been taken, when it could not be recalled.

On that basis, I felt that section 2 should not stand, and I felt the Senate was entitled to know how the evidence was developed; that it was new evidence; that the change in my position was not capricious or arbitrary, responding to any so-called pressure, or anything of that sort, but was the direct result of a sequence of developments of new evidence along the lines I have tried to outline to the Senate today.

I thank the Senate for its indulgence.

Mr. KNOWLAND obtained the floor.

Mr. HENDRICKSON. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. HENDRICKSON. I understand that the Senator from California is about to move that the Senate take a luncheon recess. Before the Senator so moves, I wish to state that I desire to address myself to a point of personal privilege. Therefore, I ask unanimous consent that I may have the floor when the Senate reconvenes following the recess, although I do not believe it is necessary for me to have unanimous consent to do so.

Mr. KNOWLAND. I think a question of personal privilege is of the highest order. I suggest to the junior Senator from New Jersey that he raise the question of personal privilege when the Senate convenes following the recess.

Mr. HENDRICKSON. I shall be happy to do so.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Who has the floor?

The PRESIDING OFFICER. The Senator from California has the floor.

RECESS

Mr. KNOWLAND. Mr. President, I move that the Senate stand in recess until 3 o'clock this afternoon.

The motion was agreed to; and (at 1 o'clock and 56 minutes p. m.) the Senate took a recess until 3 o'clock p. m.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. GOLDWATER in the chair).

ORDER OF BUSINESS

Mr. BUTLER. Mr. President, immediately prior to the recess for luncheon, the distinguished junior Senator from New Jersey [Mr. HENDRICKSON] asked for

the floor in order that he might discuss a point of personal privilege, and I think that the Senate should have a quorum for that occasion. Therefore, I suggest the absence—

Mr. JOHNSON of Texas and Mr. HENDRICKSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Maryland yield?

Mr. BUTLER. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, whether for the purpose stated or for another purpose, I also desire that a quorum be present. The Senator from New Jersey has not been recognized as yet. I assume that, if there is to be a call of the roll, it will then still be within the discretion of the Chair to recognize either the Senator from New Jersey or the majority leader. It may be that the majority leader will want to make a brief statement following the quorum call, so I would not want it to be understood that the Senator from New Jersey has the floor.

Mr. HENDRICKSON. Is the Senator from Texas saying in effect that the majority leader is to be recognized before the junior Senator from New Jersey is recognized?

Mr. JOHNSON of Texas. No. The Senator from Texas is not saying that directly or in effect. The Senator from Texas is saying he does not want any understanding that following a quorum call the junior Senator from New Jersey will be recognized, and that was the implication of the statement of the acting majority leader.

Mr. HENDRICKSON. That was my understanding.

Mr. JOHNSON of Texas. It may very well be that the majority leader may desire to make a brief statement prior to the time the Senator from New Jersey speaks.

Mr. HENDRICKSON. Of course, the junior Senator from New Jersey will always be glad to yield for that purpose.

CALL OF THE ROLL

Mr. BUTLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Abel	Ervin	Knowland
Aiken	Ferguson	Kuchel
Anderson	Flanders	Langer
Barrett	Frear	Lehman
Beall	Fulbright	Lennon
Bennett	George	Long
Bridges	Gillette	Magnuson
Brown	Goldwater	Malone
Bush	Green	Mansfield
Butler	Hayden	Martin
Byrd	Hendrickson	McClellan
Capehart	Hennings	Monroney
Carlson	Hickenlooper	Morse
Case	Hill	Mundt
Chavez	Holland	Murray
Clements	Hruska	Neely
Cotton	Humphrey	Pastore
Crippa	Ives	Payne
Daniel, S. C.	Jackson	Potter
Daniel, Tex.	Jenner	Purtell
Dirksen	Johnson, Colo.	Robertson
Douglas	Johnson, Tex.	Russell
Duff	Johnston, S. C.	Saltonstall
Dworshak	Kefauver	Schoeppel
Eastland	Kilgore	Smith, Maine

Smith, N. J.
Sparkman
Stennis
Symington

Thye
Watkins
Welker
Wiley

Williams
Young

The PRESIDING OFFICER. A quorum is present. The Senator from New Jersey is recognized.

QUESTION OF PERSONAL PRIVILEGE

Mr. HENDRICKSON. Mr. President, since the junior Senator from New Jersey addresses himself this afternoon to a matter of personal privilege, I shall refuse to yield.

Mr. President, much has been said in the course of these extraordinary sessions of the Senate about the abusive language impugning the capacity and the courage of the junior Senator from New Jersey.

At the time the words were uttered, the junior Senator from New Jersey was obliged to consider the source of the remarks and the circumstances.

He then emphatically refused to dignify either the author or the words. He still refuses, insofar as they could affect any decision of his upon the real issues before the Senate in these important proceedings, to permit those words to become a part of the Record—the Record as he will read it and interpret it.

As an individual, the junior Senator from New Jersey is of little consequence in this affair.

If he was unfairly criticized, the real victim was a duly constituted subcommittee of the Senate.

If he was maligned, the Senate was maligned far worse. If he was slandered, the Senate was truly slandered. These are the inescapable facts, Mr. President.

Thus, Mr. President, it must be clear that the junior Senator from New Jersey is not personally troubled by the reference made about him, nor has he ever been. I may add that it was unpleasant to have a Senator use those words; but, beyond that, the reference has never troubled the junior Senator from New Jersey.

As a consequence, it should be pointed out that no apology need be made to him—the individual.

The apology, if any apology is forthcoming, is owed the Privileges and Elections Subcommittee which, in its moment of trial, was supported by a 60-to-0 vote of the Senate, for it was on that subcommittee I was serving when the remarks were made.

There is no personal malice involved here, therefore. Indeed, Mr. President, the junior Senator from New Jersey deplores the acrimony emanating from various sections or from various sides of this Chamber.

There are greater things at stake for this body than the reputation of one of its Members, whether it be the reputation of the junior Senator from Wisconsin, or that of the junior Senator from New Jersey, or that of any other Member of this body.

The Senate, in my opinion, should completely disregard remarks made about me.

The Senate should, indeed, consider remarks about me only as they reflect on the credibility and the decency of the

Privileges and Elections Subcommittee which had been trying to do a job which the Senate as a whole had asked it to do.

Mr. President, at a later date in these sessions I shall ask to be heard further on the other real and fundamental issues involved. Until then, I refuse to yield. As I have already said today, I address myself only to a question of personal privilege.

COEXISTENCE OR WAR?

Mr. JENNER. Mr. President, yesterday was the 21st anniversary of recognition by the Government of the United States of the Government of the Soviet Union.

There is something symbolic in a 21st anniversary. It signifies the coming of age, the achievement of full growth and development.

It is proper that we should pause a moment, to look back at what has grown out of that new-born policy of November 17, 1933. What have we won by 21 years of peaceful coexistence with the Soviet Union?

From 1917 to 1933, both parties in this country had agreed to refuse recognition to the Communist government, on the ground that it was a barbarous tyranny, maintained only by continuous violence against its own people.

In 1933, the Soviet Union was exhausted from a cruel famine brought on by the stupidity of its own leaders, in killing or jailing its farmers if they were successful. The people were angry and rebellious. The Japanese, aware of its weakness, were threatening attacks on Siberia at any moment.

We do not know who directed the campaign, in American press and political circles, for recognition of the Soviet Government in 1933, when the new administration came in. But we can easily understand why the tottering Bolshevik leaders needed the psychological and economic lift of diplomatic recognition and trade with the United States.

Let us recapitulate briefly the gains of the Soviet Union from our generosity, or shall I say our credulity, over these 21 years.

The Soviet Union obtained at once greatly improved resources for maintaining its tyranny over its rebellious people.

It obtained far better facilities for espionage in American industrial establishments and business offices, and for propagandizing industrial and business leaders.

It made its first effective step in penetrating the Government of the United States, and we know where the trail of interlocking subversion has led us to date.

It intensified its campaign to penetrate American schools and colleges.

It used its new respectability to penetrate the American press and publishing industry.

It began its influence on United States legislation, and on the congressional committees, whose task it was to formulate legislation.

It began to smear American business and to humiliate American military leaders.

Of course, Litvinov had solemnly agreed that the Soviet Union would disband its fifth column on American soil. We know how faithfully the Communists have kept that pledge.

In foreign relations, the Soviet leaders began their long, devious, and brilliantly successful campaign to turn the Japanese militarists away from attempts to capture eastern Siberia, and to turn them toward attacking the United States. Richard Sorge and his associates, hidden high in the Nazi Party apparatus, were secretly working to bring about the Japanese attack on Pearl Harbor, during the years in which we were giving the Soviet leaders all the help we could give.

In 1940 the Soviet Union was deeply split by near civil war, in which many of its ablest army and political leaders had been killed by Stalin. The people were cold, hungry, and embittered. The Soviet rulers needed time to rebuild their tyranny, and resources to extend it.

Again the American Government came to their rescue. We knew the Communists had suddenly made an agreement with Hitler, in order to incite war between the nations opposed to them. When Hitler turned on them, we never doubted the honor and trustworthiness of the Communists. While the Red leaders were planning the Japanese attack on our fleet, we poured billions of lend-lease into the Soviet Union, not for war only but for every kind of postwar industrial development. We even permitted Soviet airmen to have precedence over American airmen when our fliers needed equipment or protection for Arctic flights.

We fought on, after the enemy was defeated, in the useless exhausting fight for unconditional surrender, while fifth columnists in our own Government were writing the directives by which we were to destroy, for the Communists, the great military barriers in Germany and Japan, which had protected the west. We left the lands and the nerves of the western nations open to direct Communist attack.

Protected by their fifth column and our exhausted credulity, the Soviet power rumbled westward over Poland, Czechoslovakia, East Germany, Hungary, and the Balkans. Eastward it rumbled over the heartland of Asia, the China mainland. Then it came up against our fighting men and our brave Korean allies, and it broke. The power of communism could have been broken forever if our own Government had not tied the hands of our fighting commanders behind their backs.

Today we see the forked tongue of Communist attack darting out toward free Korea, darting out toward free China on Formosa, darting out toward the pitiful remains of Indochina.

In the West we see the vials of poison gas being spilled over the people of West Germany, France, Britain, and Italy—the poison gas we call peaceful coexistence. The fumes are spreading over the United States. We hear about it daily. We read about it in the news and editorial columns and on the front pages of our newspapers.

The minds of our leaders are falling asleep. From their drug-poisoned minds

we hear the words "peace, peace," when there is no peace.

For 21 years we have been slipping and sliding into the pit of lies, confusion, and hidden treachery the Communists have dug for us.

World conquest by the Communists comes nearer every day.

Today, as in 1933, the Communists are divided at home. Their people are embittered and rebellious over the privations they have suffered as a result of Communist tyranny. The people of the satellite nations are so desperate that they have even attacked tanks with their bare hands, while courageous Russian soldiers refused to fire on them.

The Soviet system is internally as weak today as it was in 1933. It is fighting the desperate battle for peaceful coexistence because it cannot take the slightest shock from without. It must give its people more food and clothes, and it must get them from the foolish anti-Communist countries. It must get more machine tools to make guns and find shipyards to make ships, and it expects to get them from the blind and foolish anti-Communist countries. It must have time, and it expects to get more time from the foolish anti-Communist nations.

When will America awake? When will we realize our danger? When will we close the doors to all diplomatic and trade relations with the Soviet Government? When will we withdraw from our foolish effort to save the Communist rulers from the consequences of their own stupidity?

Secretary of Defense Wilson is quoted as saying that we must think about peaceful coexistence and trade with the Soviet or look forward to the possibility of war. Of course, no one wants war.

I admire Secretary Wilson's industrial genius and his patriotic devotion to our security. But this is a political booby-trap, a clever use of the Communist dialectic.

The choice is not coexistence or war. Coexistence is war.

The distinguished majority leader [Mr. KNOWLAND] made a statement on the floor of the Senate the other day. Certain writers have picked it up and have said that the Senator from California wants war. The choice is not coexistence or war; coexistence is war. The other choice, our choice, is to stop propping up the Soviet Union and the Red government of China so that they can tyrannize over their own people and keep their neighbors in mortal fear. The Soviet system cannot stand without our help. It will fall to pieces if it cannot collect tribute from new conquests. Coexistence is war. We have had coexistence for 21 years—peaceful coexistence, if you please. During many of those years they were our great so-called democratic allies. I ask Senators whether they like peaceful coexistence.

The American policy of nonrecognition of tyranny is the road to peace. It is the only way to give hope to the captive people behind the Iron Curtain. Let us assure them we will never desert them. We will not do business with gangsters, bandits, and murderers.

Let us celebrate this landmark of our folly and credulity by breaking all diplomatic and trade relations with the Soviet Union and giving to the helpless people of Russia, China, and the satellites a chance to destroy the tyranny which without our help must crumble into dust.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Peace—But Not at Any Price," written by David Lawrence, and published in the Washington Evening Star of November 17, 1954.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEACE—BUT NOT AT ANY PRICE

(By David Lawrence)

Everybody in the Government here, including the Congress, seems to be in favor of coexistence with Soviet Russia but nobody is quite sure it's going to be peaceful.

That's the crux of the debate precipitated Tuesday by Senator KNOWLAND, of California, majority leader, who wants to discuss frankly and in the open just what the present Communist activities in the world really mean.

This doesn't mean that Senator KNOWLAND is necessarily at variance with the White House. Nor is there any real evidence that either the President or the Secretary of State are averse to having the Senate debate the issues. For it is apparent that, as Secretary Dulles himself told a press conference after the Knowland speech, there is some difference of opinion between Moscow and Washington as to just what peaceful coexistence means.

So far as this Government and perhaps also most all of the western countries known as a part of the free world are concerned, "peaceful coexistence" means honorable intercourse, a willingness to keep out of each other's affairs, and particularly it means the absence of any aggression.

But the suspicion here, which is shared by the executive branch of the Government, is that, just as the Soviet Union claims it is a democracy, so will also distort the meaning of peaceful coexistence.

To the United States, peaceful coexistence does not mean the repeated shooting down of planes on peaceful errands or a threat to invade weaker countries such as is now being witnessed in the Far East and south-east Asia.

Since it is apparent that Moscow isn't sincere and refuses to be peaceful, the debate on what coexistence means has been opened up in timely fashion by Senator KNOWLAND. There are indications that Senator LYNDON JOHNSON, who speaks as Democratic Party leader, and other Democrats in Congress, are aware of the importance of full discussion, especially as it relates to the meaning of peaceful coexistence. It is of the utmost importance, too, that Soviet Russia should not misconstrue the meaning of the last election. In Britain, Clement Attlee, of the Labor Party, was quoted not long ago as saying that a Democratic victory in the congressional elections would mean a change in America's stand against admission of Red China into the United Nations.

There are some Democrats, like Senator HENNING, of Missouri, who by their speeches at any rate give the impression that they believe there is no alternative to peaceful coexistence except an atomic war. There are, moreover, some impressions conveyed occasionally by the President's remarks at his press conferences which have led to a belief that he is against war no matter how much American rights may be violated.

The truth is the President is not a peace-at-any-price man and has never deliberately

given that impression. On the contrary, he is the kind of President who, like Woodrow Wilson, is known for his pacific desires and tendencies but, when the big overt act comes and there is no alternative but to fight it out, he courageously makes that decision.

The big wars in history have come because the enemy has misconstrued the patience of the democracies and miscalculated what they might do if their allies were attacked.

The purpose of the debate started by Senator KNOWLAND is to let Soviet Russia know that America isn't going to sit passively by while the Communists gobble up nation after nation in Asia or while they carry on their subversive propaganda inside peaceful nations. The idea of severing diplomatic relations with the Soviet Union is often mentioned by Senator KNOWLAND as one of the alternatives to war. It is a step considered as one means of impressing the Soviet that she cannot count on a coexistence policy that envisages a continuance of the cold war by the Soviets.

Something more than mere talk about peace is being sought. Senator KNOWLAND's remarks, which have already been misinterpreted as belligerent and probably will be twisted by critics who want a peace-at-any-price policy, are designed solely to apply moral force to prevent a third world war from breaking out. That's why the debate that has started is a healthy sign. It may be that Moscow will be convinced by the discussion that there is more for the Soviet Government to do on the peaceful end of coexistence than has been apparent thus far from Moscow.

ORDER OF PROCEDURE

Mr. KNOWLAND obtained the floor. Mr. JOHNSON of Texas. Mr. President, I wish to suggest the absence of a quorum, if the Senator from California will yield for that purpose.

Mr. KNOWLAND. I yield for that purpose.

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Abel	Fulbright	Mansfield
Alken	George	Martin
Anderson	Gillette	McClellan
Barrett	Goldwater	Monroney
Beall	Green	Morse
Bennett	Hayden	Mundt
Bridges	Hendrickson	Murray
Brown	Hennings	Neely
Bush	Hickenlooper	Pastore
Butler	Hill	Payne
Byrd	Holland	Potter
Capehart	Hruska	Purtell
Carlson	Humphrey	Robertson
Case	Ives	Russell
Chavez	Jackson	Saltonstall
Clements	Jenner	Schoeppel
Cotton	Johnson, Colo.	Smith, Maine
Crippa	Johnson, Tex.	Smith, N. J.
Daniel, S. C.	Johnston, S. C.	Sparkman
Daniel, Tex.	Kefauver	Stennis
Dirksen	Kilgore	Symington
Douglas	Knowland	Thye
Duff	Kuchel	Watkins
Dworshak	Langer	Welker
Eastland	Lehman	Wiley
Ervin	Lennon	Williams
Ferguson	Long	Young
Flanders	Magnuson	
Frear	Malone	

The PRESIDING OFFICER. A quorum is present.

Mr. KNOWLAND. Mr. President, I ask the indulgence of the Senate to complete the statement and to read the letter I have before me. Then I shall be

glad to yield for any questions which may be asked.

When the Senate received the news that the junior Senator from Wisconsin [Mr. McCARTHY] had entered the hospital, and in view of his absence, I consulted with the minority leader relative to the situation confronting the Senate in proceeding with the consideration of the pending resolution, under which the junior Senator from Wisconsin is a party at issue.

After consulting together we agreed that as a matter of proper procedure we should call in the official physician of Congress, Dr. George W. Calver, and to present to him the information we had, and to ask him, on behalf of the Senate, to see Senator McCARTHY in the hospital, to consult with his doctors, and to seek such other advice as he might feel warranted in seeking under the circumstances, and then to address a communication to me on the basis of which I might make a statement to the Senate.

That has been done, and I have in my hand a letter which was delivered to me during the luncheon recess of the Senate. The letter reads as follows:

NOVEMBER 18, 1954.

HON. WILLIAM F. KNOWLAND,
Senate Office Building,
Washington, D. C.

DEAR SENATOR KNOWLAND: Pursuant to the request of the majority and minority leaders of the Senate I have the following report on the condition of Senator McCARTHY. I visited him in his room in the hospital and talked with him about his injury. He has a laceration of the skin and soft tissue about the right elbow, with considerable swelling and some pain about the joint and running down into the fingers. The wound is dressed with the usual surgical dressing. He has received some antibiotics and the arm has been X-rayed and shows no fracture but some roughness of the periosteum which could possibly be due to an infection.

In telephone consultation with the assistant chief of surgery at the naval hospital it has been discovered that the Senator has developed a traumatic bursitis which will require the arm being placed in a splint for a period estimated by him to be 5 days, following which he will require physiotherapy for another 5 days and should not be discharged from the hospital before November 29, 1954. If this schedule is not followed permanent injury could result.

Respectfully yours,

GEORGE W. CALVER.

Following the receipt of the letter by me I immediately sent a copy of it to the minority leader. He will be prepared to discuss the subject in his own time. I also took the matter up with the members of the select committee and presented the letter to them. I am at liberty to say, so far as they are concerned, they believe that under the circumstances outlined by me, and in view of the letter which I received from the attending physician of Congress, there is no alternative but for the Senate to take a recess until the junior Senator from Wisconsin is available to help conduct his own defense.

I do not intend to cut off any debate, and it is not my intention to make any motion until discussion has been had. I merely wish to advise the Senate that under the circumstances, in my responsibility as majority leader of the Senate, I personally can see no alternative but

to move at the proper time that the Senate stand in adjournment until Monday, the 29th day of November. I desired to have the Senate advised of that fact, and I wished to lay all the facts I have in my possession before the Senate. I also wished the Senate to know what I expected to do at the proper time.

Mr. MORSE and Mr. JOHNSON of Texas addressed the Chair.

Mr. KNOWLAND. I shall yield first to the minority leader; then I shall be glad to yield to the Senator from Oregon.

Mr. JOHNSON of Texas. I shall be glad to yield to the Senator from Oregon. I have a brief statement that I should like to make in my own time.

Mr. MORSE. I wonder whether the distinguished majority leader would be interested in offering a unanimous-consent agreement that during the first 10 days following the 29th of November the time for debate be equally divided, and that at the end of the 10-day period the Senate vote as of a day certain.

Mr. KNOWLAND. I am sorry; I did not hear the Senator from Oregon.

Mr. MORSE. I wonder whether the majority leader would be interested in offering a unanimous-consent agreement that for a 10-day period following the reconvening of the Senate on November 29th, the time for debate be equally divided, and that at the end of the 10-day period, at an hour certain, the Senate start to vote on the Watkins resolution and all amendments thereto.

Mr. KNOWLAND. I may say to the Senator from Oregon that I shall, of course, be glad to abide by the determination of the Senate. This is the first time I have heard the suggestion made. I have no personal objection to it, but personally, I should like to consider it a little further. It is my own desire, at least, that this matter be brought to a determination as soon as decency will permit, in view of the facts presented by the attending physician to the Congress.

Mr. JENNER. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. JENNER. I wonder if this body is in position to take up such a motion at this time, in the absence of the junior Senator from Wisconsin.

Mr. KNOWLAND. I will say to the Senator that there will be ample time to discuss it. But in view of the fact that the minority leader also sat in consultation with the attending physician, I should like to have him be given an opportunity to speak.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Texas yield before he begins his remarks?

Mr. JOHNSON of Texas. I shall be glad to yield to the Senator after I have made a very brief statement.

Mr. JOHNSTON of South Carolina. Are we acting under the Senate rules with reference to adjournment as between the two Houses?

Mr. KNOWLAND. I think I can answer that question, if the Senator from Texas will permit.

Mr. JOHNSTON of South Carolina. That is the only question I have in mind.

Mr. KNOWLAND. I will say to the Senator from South Carolina that the question occurred, of course, to both the minority leader and myself. I have consulted with the Parliamentarian of the Senate and he has invited my attention to the resolution which was adopted by the Senate on August 20, the legislative day of August 5, 1954, which reads as follows:

IN THE SENATE OF THE UNITED STATES,
August 20 (legislative day, August 5), 1954.

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 266) entitled "Concurrent resolution providing for adjournment sine die of the 83d Congress, 2d session," do pass with the following amendment: Strike out all after the resolving clause and insert: "That the House of Representatives shall adjourn on August 20, 1954, and that when it adjourns on said day, it stand adjourned sine die."

"Resolved further, That the consent of the House of Representatives is hereby given to an adjournment sine die of the Senate at any time prior to December 25, 1954, when the Senate shall so determine; and that the Senate, in the meantime, may adjourn or recess for such periods in excess of 3 days as it may determine."

The Parliamentarian tells me, and I fully concur, that we have complete control over the situation as to how long we shall adjourn or recess up to the 24th of December 1954. We cannot go beyond that period.

Mr. JOHNSTON of South Carolina. That clarifies the matter, so far as I am concerned, but I wanted it in the RECORD so that there would be no question about it.

Mr. JOHNSON of Texas. Mr. President, I desire to make a very brief statement pertaining to the motion. The Senator from California has given us the information concerning the hospitalization of the junior Senator from Wisconsin. Everything which has occurred since then has been related to the Senate by the majority leader.

I am not going to try to persuade any Member of the Senate to reach any conclusion. Each Senator must reach his conclusion in his own heart and mind.

When this situation was brought to my attention I consulted an able jurist, who is a Member of this body. He told me that, under the circumstances, since I am not a physician and since the normal court procedure would be for the court to ask a competent physician to make a report, he thought the attending physician to the Congress should be asked to go into the matter and give an opinion. I made that suggestion to the majority leader. The Congress of the United States has an attending physician. We asked him to go to the hospital to explore the situation and then report the facts to us, together with his recommendations. That was done, Mr. President, and we have the report in the form of a letter.

I must admit that this is a very unusual situation. To me it is a very regrettable situation. But I do not know what we can do about it. So far as I am concerned, I am not going to pit my medical judgment against the medical opinions of the Naval Hospital physicians and the attending physician to the Congress. For that reason I propose

to support—when it is made—a motion to adjourn until November 29. In my opinion, it would be horrible, under the circumstances, for the Senate to proceed with the consideration of the pending business with the junior Senator from Wisconsin hospitalized and with reputable physicians saying to the Members of the Senate that, in their judgment, he should not be discharged before November 29, and that if this schedule is not followed, permanent injury may result.

I am not speaking for any Democrat on this side of the aisle except the senior Senator from Texas. This has never been a partisan matter. So long as we sit in judgment and so long as I have any voice in the matter, it will not become a partisan issue.

I am deeply grateful to the select committee for their performance of duty and for the dignity and the honor with which they have operated. They have conducted themselves in the highest traditions of the United States Senate.

I think I should further say that when we return on November 29, so far as one voice may be able to influence a decision, I shall insist that the Senate meet as early as is possible and remain in session as late as may be necessary in order that the Senate may pass judgment with reference to the pending business.

Mr. President, we shall have to redouble our efforts when we come back on November 29, unless we want to say to the people of the United States—yes, Mr. President, to the people of the world—that the greatest deliberative body ever known is unable to come to a conclusion involving a matter of morality and conduct. I am not trying to dictate to the Senate what that conclusion should be. The select committee has made its recommendations. The proponents and opponents of the report have had 10 days in which to discuss their respective positions.

I would hesitate to offer a motion which would carry us over to November 29, except on the statement of the attending physician to the Congress that our colleague should not be discharged from the hospital prior to that time.

Mr. President, I try to follow the Golden Rule. I want to treat my friends and my enemies in the same way in which I should like to be treated. I certainly wish to treat every Member of this body in the same way I should like to be treated. The medical evidence brought to me at the instance of the majority and minority leaders from our own physician shows that our colleague is in the hospital and should remain there until November 29. If the junior Senator from Wisconsin felt he could come here earlier, and it was so indicated, I would urge the majority leader to modify his motion. But that is not the case, and we must act on the only competent evidence before us. The opinion of the treating physicians is confirmed by our own physician.

But I wish to emphasize that I think we are going to indicate to the world that the Senate cannot function properly if we come back on November 29 and then fail to meet early in the morn-

ing and remain until late at night until action one way or the other is had on the pending resolution.

Mr. President, in view of the facts before me, I called the three Democratic Members of the select committee and asked them this question:

"In your opinion, is there any alternative to following the competent medical advice presented to the minority leader?"

The three members of that committee concurred in the tentative decision which the majority leader and the minority leader had reached.

I thought then that I should seek counsel of the Democratic members of the Committee on the Judiciary. Most of them are lawyers of great experience; all of them are men of great competence. So I put the same question to all the Democratic members of the Committee on the Judiciary whom I could reach—some 4 or 5; I believe 2 or 3 members were available at the time. All of them feel that the situation is very unusual; that it is very regrettable; that they are ready to stay here, debate the issue, face up to it, and vote when the roll is called.

None of the Democratic Senators wants to be placed in the position of trying to postpone a vote. I have tried to make it clear that we have no desire to postpone a vote or to avoid a vote. But certainly we do not want to be placed in a position of discussing this issue and the matters relating to it when the junior Senator from Wisconsin is flat on his back and is not in a position to be present and defend himself, if he should choose to do so.

For that reason, whatever any other Member may do, I propose to support the motion made by the majority leader. I asked him if, in his judgment, this was the wise and proper thing to do; and in his forthright manner he has told me he believed it was. For that reason, I concur in the judgment which he has reached.

Mr. LEHMAN. Mr. President, I wish to preface my remarks by expressing my very deep appreciation of the accomplishments and contributions of the distinguished members of the select committee, who have given so much of their time, strength, and effort to this most important matter which affects every Member of the Senate. I believe the speeches we have heard on the floor of the Senate, delivered by some of the members of the select committee, were among the greatest utterances I have heard in the more than 5 years I have been in this Chamber. I can only say to the members of the select committee that I am most appreciative of their sacrifice and their achievements.

I wish to say, also, that I have very great respect and regard for our physician, Dr. Calver. I know that he is thoroughly qualified, and is a man of great sincerity and honesty.

But it does not make sense to me that, at this stage, we should decide to recess or adjourn the Senate until the 29th of this month. When the matter was first broached to me this morning, and a suggestion was made that the Senate recess because of the unavoidable absence of the junior Senator from

Wisconsin, I said that, of course, Senator McCARTHY's regrettable illness would have to be taken into consideration. My original advice was, however, that the Senate recess from day to day, in order to be able to review the situation and the likelihood of Senator McCARTHY's return to the Senate. It was suggested to me, at the time the matter was taken up with me this morning that it was proposed to recess until next Monday, November 22, so that Members who wished to seek rest or recreation could do so over the weekend. I raised no objection to that proposal.

But now we are faced with a new proposal, to recess until November 29. I see no reason for that. I see no reason for recessing beyond November 22, which is next Monday, so that the Senate can meet again to consider the situation and review the prospect for resuming our deliberations.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. LEHMAN. If I may complete my thought, then I shall be glad to yield.

I do not know what the exact medical factors are in Senator McCARTHY's case, but I have lived a long time and have seen some strange things happen in medicine. I have seen men who by medical prognosis were condemned to early death, walking on the streets within a week or two thereafter.

In 1938, when I was nominated for the office of Governor of New York against a very strong candidate, Mr. Dewey, I had a broken leg, which was in a cast. I was warned against attempting to make a campaign under those circumstances. I made the campaign in spite of that, and I won.

In 1944, I broke a leg again when I was in Algiers, as Director General of UNRRA. I had on my leg a cast which weighed, as it felt to me, a ton. I was warned that I had better discontinue my mission. But I did not. I went ahead, and I visited many countries of the Middle East and Europe, with that cast on my leg. I completed my mission abroad.

I mention these personal experiences only to show how uncertain a medical prognosis can be.

We are engaged in a proceeding for censure. I do not think there has ever been a more important question before the Senate. I feel that it affects every Member of the Senate. Our good faith, honesty, loyalty, and patriotism have been impugned in terms which are unmistakable in their implications. I do not think we can or should temporize further in the matter.

I have not said a word about this subject on the floor of the Senate in the 2 weeks during which the debate has been in progress. My colleagues and I have waited, and have waited patiently, for the Senate to get to a vote. I believe the Senate has been ready for a long time to express its opinion.

If Senators will examine the RECORD, they will find that on August 2 I predicted that there would be endless delays, recesses, and adjournments, and that it would be a long, long time, if ever, before the Senate would reach the point of making a decision in the matter.

That is just what has happened, and is just what is happening.

I hope and pray that the Senate will recess now to meet next Monday, November 22, and will then re-examine the situation. I want to be compassionate. I do not wish to do an injustice to any Senator. I do not desire to force any Senator who is sick to come here in his own defense nor to conduct these proceedings in his enforced absence. But neither do I wish to give any Senator the chance of postponing the day of judgment, which I think, must and should come promptly.

I hope the date for reconvening will be changed from November 29, to November 22.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. LEHMAN. I yield.

Mr. KNOWLAND. In the first place, I have confidence in Dr. Calver, whom I know. The other physicians who are mentioned are naval doctors, the one a specialist in his field, the other the attending physician at the hospital. I shall not pit my judgment against their judgment. The letter is very clear in stating that, in their judgment, it would be unwise, and might result in permanent injury, if the junior Senator from Wisconsin were to return before November 29.

So far as my own responsibility is concerned, with this information before the Senate, I do not wish to appear to be putting pressure upon or casting reflections, either upon the doctors who have been consulted or upon the Senator who is indisposed, and I desire it to be understood that the motion is being made for no other purpose than that stated in the medical report. I can assure the Senator from New York—I say this in the best of feeling—that certainly the majority leader, and while I do not pretend to speak for him, I am confident the minority leader, would not be parties to any maneuver for postponement on any grounds other than those based upon the best medical advice the Senate has been able to obtain. Rather than take advice from either the friends or the counsel of the Senator, or even from the doctor at the hospital alone, I did what I felt should be done in this position of responsibility. I called upon a man who was not my appointee, but who has been the attending physician at the Capitol under both Democratic and Republican control of Congress, who is competent medically, and, on behalf of and in the presence of the minority leader, asked him personally to make an investigation and to report in precisely the same way he would if he had been asked by a judge to make a report in a court case which was pending, in which the defendant or a witness had been asked to be excused because of illness, or in which counsel had reported to the court that a witness or the defendant could not be present because of illness. I asked the Capitol physician to give us the best medical advice he could give us, on precisely the same basis, and that report I have read to the Senate.

Of course, the matter is in control of the 96 Members of this body. So far as my responsibility is concerned, after suf-

ficient time and without any attempt to foreclose any Senator, based on the facts I have presented to the Senate, and which form their very inception I discussed with the distinguished minority leader, considering the fact that the matter was called to the attention of the three Democrats and three Republicans on the select committee, and considering the fact that the minority leader had had additional consultations, as had I, I am prepared to move, and I am willing to take the responsibility for so moving, in the light of the facts I have presented, that the Senate adjourn until the 29th day of November. If the Senate, or if any Member of the Senate in their wisdom and their conscience, desire to take other steps, they are, of course, at liberty to move to amend.

I think I have made my position clear that I have been no party, and that I would not permit myself to be a party, to any maneuver which had as its objective the postponement of the question before the Senate. I am sure the Senator from New York did not want that impression to be conveyed.

I have felt a deep sense of responsibility regarding the question before the Senate. I have tried to look at the matter entirely without regard to partisan considerations. I recognize the high dignity and the importance of the Senate of the United States, and I have never been so proud in my life as I have been to be a Member of this great body. I wish the RECORD to be clear in that respect, and, with the background I have stated, at the proper time I shall move to comply with the recommendations of the attending physician.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. LEHMAN. Mr. President, I should like to reply to the statement of the majority leader. With great respect, I should like to say that I share the high regard that he has for Dr. Calver. I said he was a man who was thoroughly qualified as a doctor and a man of great integrity and character. I am not saying that the Senate should not recess today. I know Senator McCARTHY cannot be here, but I say there is nothing to be lost if the Senate recesses only until next Monday, November 22, instead of until a week later. I do not know what may happen between now and November 29. I do not have the exact words of the doctor's letter in my mind, but he wrote about the necessity of treatment for 4 or 5 days. Perhaps by next Wednesday or Thursday—

Mr. THYE. Mr. President, will the Senator yield for a question?

Mr. LEHMAN. I should like to conclude my statement.

Mr. THYE. The Senator made mention of next Thursday, which happens to be Thanksgiving Day.

Mr. LEHMAN. Perhaps by either Wednesday or by Friday the junior Senator from Wisconsin will have recovered sufficiently to be present. My suggestion is that the Senate recess until next Monday, November 22, at which time it can take another look at the situation, and have another examination made by Dr. Calver, or any other doctor whom the

leadership of the Senate may designate, and then have the Senate come to a decision as to whether it is desired to recess until a later date. To close the door now and provide that the Senate shall not sit until November 29 would be an utterly unwise course, and might entail an avoidable delay in these all-important proceedings—a delay which will not be justified by the actual condition, next week, of Senator McCARTHY's health.

Mr. THYE. Mr. President, does the Senator yield, or does the Senator still retain the floor?

Mr. LEHMAN. I shall be glad to yield, unless the Senator desires to ask a question.

Mr. THYE. If the Senator yields the floor, then I should like to ask him—

Mr. MORSE. Mr. President—

The PRESIDING OFFICER. The Senator from Oregon has been seeking the floor.

Mr. WATKINS. Mr. President—

Mr. LEHMAN. Did the Senator from Utah wish me to yield?

Mr. WATKINS. For a brief statement. Mr. THYE. Mr. President, all I wished to do was to make a brief comment on what the Senate has before it.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. WATKINS. Mr. President—

Mr. LEHMAN. I agreed to yield to the Senator from Utah.

Mr. MORSE. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from New York has relinquished the floor. The Chair recognizes the Senator from Oregon.

Mr. MORSE. Mr. President, I wish to say that I support the objective of the Senator from California and the Senator from Texas with regard to the proposed motion to adjourn until November 29, based upon the medical report of the Senate doctor. I do so because I am a stickler for fair procedure. We must not forget, that in considering the issue now before it, the Senate is sitting as a quasi-judicial body—in fact, more than as a quasi-judicial body. Our obligation is to carry out the fair procedures of the American judicial process. In any court of the land a person put on his defense would be entitled to a postponement of the case for such a reasonable period of time as the court might find justified in the light of a medical report such as has been submitted to the Senate of the United States this afternoon.

Mr. President, in view of that medical report, we have no alternative. Any court that proceeded in an analogous situation to consider the case of a defendant who was absent because of illness would be reversed by an appellate court. But I wish to point out—and I think I have a right to do so on the basis of my own past conduct—that a tremendous responsibility and obligation rest upon the junior Senator from Wisconsin to see to it that he is back in this Chamber at the earliest hour possible, commensurate with the protection of his health. I say half jocularly that I have a right to speak in that regard because I have sat on the floor of the Senate in a wheelchair. I have sat on the floor of the Senate when my jaws were wired shut,

and I still made nine speeches. [Laughter.] I was present against the advice of my physician on such occasions. I remember that on one day I came to the floor of the Senate from the hospital to defend myself against misrepresentations which had been made in debate on a position I had taken previously on a certain issue.

Certainly, if the junior Senator from Wisconsin wants to appear, and is able to appear, in the Senate before November 29, commensurate with the best interests of his health, then I think he owes it to himself and to the United States Senate to be here.

When the Senate comes to adopt the motion suggested by the majority leader as I believe it will, there should be attached to it a condition that the junior Senator from Wisconsin shall be free and privileged to request the majority and the minority leaders to call the Senate back in session prior to November 29 if, upon the advice of doctors, it would be consistent with the best interests of his health to be here.

Mr. President, I wish to stress the point of fair procedure and fair play in this matter, because I suppose the basic objection I have to McCarthyism is what I honestly believe to be its violation of the fair procedural rights of persons who have been called before his investigations. I think he is entitled to the same fair procedure that I am seeking to guarantee to others.

While I am on my feet, Mr. President, I wish to say—because I have not heretofore expressed myself during the debate—that I feel the Senate of the United States is a better place in which to serve, and I feel that I am a better human being, for having heard the great defenses of political morality and personal freedom which have been uttered here on the floor by the Senator from Mississippi [Mr. STENNIS], the Senator from Utah [Mr. WATKINS], the Senator from North Carolina [Mr. ERVIN], and the Senator from Kansas [Mr. CARLSON]. Those historic speeches will be emblazoned and read by students for generations to come on the pages of the records of the Senate of the United States. Those Senators so very clearly have called attention to the basic issue in this censure hearing. The issue before the Senate has never been the issue of communism, because there are 95 other Senators who hate communism and are as opposed to communism as much as the junior Senator from Wisconsin hates it and is opposed to it. In spite of his attempt to try to divert attention from the basic issue of violation of fair procedure by himself, the Senators I have just named have, by means of speech after speech, brought us back to the underlying issue before us. We are indebted to them. The Nation owes them much. American history will pay tribute to them.

I think the Senate must proceed with this censure case as soon as possible, after the Senator from Wisconsin is in sufficiently good health to return to this Chamber, and then must vote on this issue.

Mr. President, I, too, know something about delaying tactics. [Laughter.] It

is well understood, I hope, by the Members of the Senate that at this hour there is in the Nation a growing segment of the public that is becoming suspicious that perhaps there is on foot a movement to prevent a vote prior to the required adjournment hour on December 24, 1954, on the issue of McCarthyism. That is why a few minutes ago I suggested that at least consideration be given to the possibility of our reaching a unanimous-consent agreement to vote on the censure resolution by the end of 10 days following November 29, 1954. I believe such an agreement would be a test as to whether every Member of the Senate is willing to measure up to the issue of McCarthyism and to vote on it. Such an agreement should call for having the final vote taken at the end of a 10-day period of debate following November 29. Certainly in that 10-day period, in view of the long hours we can and should remain in session, we can exhaust the pros and the cons of the McCarthyism issue, now pending before the Senate.

But be that as it may, Mr. President, I think the Senate should recognize that the country has its eyes focused on us, to see what will be our answer to the simple question, "Does the Senate dare come to a vote on this issue before the required adjournment hour on December 24?"

I am confident that a majority of the Senate dare do so, and I want to believe that all Members of the Senate will do so. But I think we need be on guard against any attempt so to delay the final decision that the required adjournment hour of December 24 will roll around and the issue still will not be decided.

Mr. President, in fairness to the junior Senator from Wisconsin, and in keeping with fair judicial processes, I think we have no alternative but accept the competent medical authority, as set forth this afternoon by the majority leader, and take a recess or adjourn until November 29, at the same time making it clear to our colleagues and to the entire country that we expect the junior Senator from Wisconsin to return here before November 29, if he can do so in good health, so we can go on with the business of the Senate and can come to a final vote on this issue long before December 24.

Mr. DIRKSEN. Mr. President, this is a rather amazing discussion. There is before the Senate a statement by a reputable physician, who has been known for years to everyone who has served in either the House or the Senate. I have known Dr. Calver for more than 22 years, and I recognize his capacity and also his record in the Navy.

When it first came to the attention of the majority leader that our colleague, the junior Senator from Wisconsin [Mr. McCARTHY], was in the Naval Hospital at Bethesda, Md., I think the majority leader did the eminently correct thing by conferring with the minority leader, and by checking to see precisely what was the situation, and by obtaining from the physicians a formal statement in regard to how soon the junior Senator from Wisconsin might be released from the hospital. That statement is here, Mr.

President; and those doctors, after consultation, have stated to the majority leader that, in their considered judgment, the junior Senator from Wisconsin should not be released from the Bethesda Naval Hospital until November 29.

Now, Mr. President, comes an amazing proposal from the distinguished junior Senator from New York [Mr. LEHMAN], who says, in effect, "Let the Senate take a recess from day to day." Mr. President, there will be great healing in that sentiment, will there not, when it is conveyed to the one who lies in pain in the Naval Hospital at Bethesda? Will he not find great comfort in that statement? In line and in consonance with the spirit of that statement, we could send to Joe McCARTHY a note, this afternoon, in which we could say to him, "Joe, we are going to have the Senate take a recess from day to day; we are going to be here to catch you the minute the revolving door of that hospital lets you out into the world." That would be a healing sentiment, would it not, Mr. President?

Oh, I trust that the distinguished junior Senator from New York will expunge all his remarks from the RECORD; he is too big to let such a statement stand. He has a great compassion. He has been schooled and educated in the ancient faith. He knows about the spirit that animated the Good Samaritan, long ago. So I trust that the junior Senator from New York, will not permit to remain in the CONGRESSIONAL RECORD a statement of a sentiment that would be so unworthy of this body, no matter how one may feel about the pending issue. It would be rather distressing this evening, when the newspapers are delivered at the Bethesda Naval Hospital, for the Senator who is ill at that institution to read in the headlines that in this great deliberative body it was suggested that the Senate will be waiting to catch the junior Senator from Wisconsin as soon as he has been discharged from the hospital and after physiotherapy has been administered. Mr. President, I shall not put myself in that position. I would not do it to my worst enemy, if I had one.

I think this is a time for compassion; I think it is a time for a little nobility on our part, in behalf of a colleague who has been under harassment from the day in February 1949, when he made his speech in Wheeling, W. Va. Yes, it has been a long and difficult course for Joe McCARTHY; and he deserves eminently better from us than that. How amazing it is, Mr. President, when a man lies in pain in a hospital, to send to him a message at once so cynical and so brutal. Where are the common charities, after all, Mr. President? How bad must be the evil acids eating at the soul if finally they stir in such a way our passions and our tempers? Where are the little charities—particularly, Mr. President, as we think of the time, scarcely a week ago, when we were commemorating the service and the fellowship of great and good men who served on both sides of the aisle in this body. I refer to Dwight Griswold, who used to sit on this side of the aisle; to Hugh Butler, who used to sit close to my desk; to Pat McCarran, who used to sit on the other side of the aisle; to Burnie Maybank, who used to

sit across the aisle, and on whose committee I had the privilege of serving, and to Lester Hunt. As I think of them, now gone, and as I become a little older and a little more mellow in my judgment, I shall wish to have inscribed in the eternal ledger that I am not so much concerned about my sins of commission as I am about sins of omission—the things I failed to do as a part of the common charity of life. That is a better message to send.

I am sorry that my friend from Oregon [Mr. MORSE] spoke as he did. If we are to try to weigh this issue in the balance and divide up the time, how are we to divide the time when a man's political life is in jeopardy? How can we say that 5 hours on a side or 5 days on a side will be enough for a man who is presently in pain to defend himself? That is not a happy sentiment for the world's greatest deliberate body to send to a man who is in the hospital this afternoon.

I hope, therefore, Mr. President, that before angry humors are uttered on the floor of the Senate this afternoon, Senators will realize that the resolution will come to our attention in all good time. When the forces of healing have restored Senator McCARTHY to health, he will be back.

No one ever charged or suspected that Joe McCARTHY was lacking in courage. No one ever suspected or charged that he was lacking in that necessary commonplace heroism which is required to meet every neurotic challenge which has come day after day.

It is a terrible thing to suspect that subterfuge may be involved, or that this is a "run around." God save the mark. Those sentiments might best be expunged from the CONGRESSIONAL RECORD this afternoon, so that when the fevers have subsided we may consider the issue dispassionately. Let me say parenthetically that the condition of the junior Senator from Wisconsin is probably worse than the cold print of Dr. Calver's statement would indicate. I reach that conclusion as a result of talking with the distinguished Senator who now occupies the chair [Mr. GOLDWATER], who went to Naval Hospital last night to see him. If we can rely upon a very reliable person, Edward Williams, counsel for Senator McCARTHY, who has been out to see him, his condition is probably worse than this cold and feeble language would indicate.

Mr. President, there is fever, and there is pain. The least we could do in an effort to be charitable would be to recess the Senate, in consonance with the suggestions made by eminent medical authority. When Senator McCARTHY is ready he will be back here to defend himself, with his chin up.

Mr. BENNETT. Mr. President, in common, I think, with all the other Members of the Senate, I regret the difficulty in which Senator McCARTHY finds himself, and hope that, regardless of its effect upon our problem, he will regain his good health quickly, for his own sake and his own benefit. Certainly in this hour I do not wish to add to his burdens.

I took the floor Tuesday afternoon to announce that I intended to offer an

amendment to the censure resolution. I stated that I would offer it at what I considered to be an appropriate time. I am sure every Senator will agree that under the present circumstances this is not the appropriate time. So I shall reserve decision as to the appropriateness of the time until after the Senate reconvenes on November 29.

Mr. WATKINS. Mr. President, I regret very much that this debate has had to take place. With the exception of the junior Senator from Wisconsin, no one in this Chamber has put in more time on this question than have members of the select committee. Members of the select committee have met with the leaders on both sides of the aisle, and they are in full agreement with the majority leader and the minority leader in the statements which have been made.

I have personally presided over a court, and time and time again I have granted continuances to people who were ill. In stating my personal feeling, I do not pretend to speak for other members of the committee, but my personal feeling is that the Senate should not even have held a session today. It should have recessed immediately upon learning of the condition of Senator McCARTHY. In responding to the charges which are pending, under our procedure he is entitled to be present in person and to direct his defense. That is my personal feeling.

I hope this body will have the confidence in Dr. Calver that it should have. We all know him. I personally have been under his charge. I have been in the hospital. I know something about his ability and integrity. I hope we shall accept what he says at face value. I am willing to accept it. Members of the select committee are relying upon it, and are willing to agree, and have agreed with the majority leader and the minority leader in their stand.

I hope this body will not attempt to amend or modify the motion which I think the majority leader intends to make. I join my colleague from Utah [Mr. BENNETT] in hoping for the speedy recovery of the junior Senator from Wisconsin, for his own good and for the good of all his friends and of the people of the country. I wish him no harm. I hope a spirit of justice and mercy will direct us in whatever we do, even in connection with the matter of postponement.

TABLE OR RECOMMIT THE RESOLUTION

Mr. MALONE. Mr. President, the least we can do is to recess or adjourn until Senator McCARTHY is able to attend sessions of the Senate.

Mr. President, on Tuesday of this week I stated, at the conclusion of a brief statement, that on Friday, or on Saturday, if the distinguished majority and minority leaders agreed to hold a session on that day, I would move to table Senate Resolution 301. I fully intended to do so, and I think it should be done.

In view of the evidence developed before this body, with 3 Senators disagreeing, 2 of them being members of the censure committee and 1 being chairman, as to the accuracy and com-

pleteness of the resolution, the least the Senate should do is to recommit the resolution for further committee study. The opinion of the Senator from Nevada is that it should be tabled. Since there will be a 2 weeks' recess a motion to recommit the resolution to the select committee would enable members of the committee to meet and decide what they themselves believe should be done.

In any event, they refuse to hear the junior Senator from Wisconsin. Since he is in the hospital they have plenty of time to agree among themselves. We have the word of the Senator from South Dakota in debate this afternoon that he will not vote for the second part of Resolution 301, and does not believe that the first part of it should be approved.

I shall not object to the proposed adjournment or recess. There are committees which have work to do. However the Senator from Nevada believes that it is an unusual procedure to prevent all Senate committees from working until the first of the year.

If we are not to recommit the resolution or lay it on the table, the best thing we could do would be to postpone consideration of it until the 5th of January, so that Members may return to their homes and get the Washington atmosphere out of their hair. Then they could return and actually represent the citizens of this Nation.

Mr. LENNON. Mr. President, I am sure the position stated by the majority leader and the minority with respect to the motion for adjournment until Monday, November 29, is supported by the great majority of the Members of the Senate. Certainly no court has ever gone behind a certificate from a reputable and honorable doctor. I am sure this court will not do so either.

Today I had intended to speak to the subject resolution, Senate Resolution 301. Inasmuch as the junior Senator from Wisconsin was hospitalized yesterday, I realized a motion probably would be made to recess or adjourn until at least next Monday. On reaching the Senate Chamber this afternoon at 3 o'clock, I learned for the first time that the Senate would likely—and I think properly so—adjourn until the 29th of this month.

I shall not have an opportunity to record my vote as a Member of the Senate, with respect to my feeling on the motion of censure. It so happens that on Monday, the 29th of November, my successor will present his credentials and will be sworn in and take my place as a Member of the Senate representing in part the State of North Carolina.

I did not desire to make a statement or address myself to this subject during the absence of the junior Senator from Wisconsin. However, I should like the RECORD to show that I favor the censure motion in the two separate counts, and if I were present and able to vote I would vote for it.

I ask unanimous consent to have printed in the RECORD at this point an outline of the speech I had prepared on Senate Resolution 301.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR LENNON ON SENATE RESOLUTION 301, THE MCCARTHY CENSURE ISSUE

Having learned from the experience of public life as judge of New Hanover County court, and as a member of the State Senate of North Carolina, I came to the United States Senate in July 1953, with the full realization that there would be times when my views and my votes, as a Member of the United States Senate, would not be approved by some North Carolinians and probably not acceptable even to some of my friends and neighbors.

I favor censure of Mr. McCARTHY. I have the feeling that Mr. McCARTHY should be censured if the honor, integrity, and dignity of the Senate are to be preserved.

At the outset I call the Senate's attention to my statement to the press of North Carolina at the time the motion of censure, Senate Resolution 301 (and all of the charges incidental thereto) against Mr. McCARTHY were filed with the United States Senate last summer. This statement was made before any debate on the floor and it was to the effect that I would not vote for censure on the basis of the then alleged charges unless and until they were considered by an impartial committee of the Senate, appointed to study the charges, document and assemble the charges, hearing any and all witnesses available, under oath, as to the truth of such charges, and, most important of all, provide Mr. McCARTHY with an opportunity, not only to testify in his own behalf before the committee, but to offer any and all witnesses that he might desire in support of any defense that he might have.

It developed before the debate was over that that was the feeling of the majority of the Members of the Senate, and as a result of this feeling and the determination on the part of the Members of the Senate to proceed in a fair, impartial, and judicial atmosphere, Senate Resolution 301 was passed by a vote of 75 to 12, referring the motion of censure and all the charges pertaining thereto to a select committee of 6 Senators, 3 Republicans and 3 Democrats. They were appointed to this select committee upon the recommendation of the majority and minority leaders of the Senate and these appointments were made by the President of the Senate, RICHARD M. NIXON.

This select committee of three Republicans and three Democrats were men of the highest character and integrity and men of exceptional ability and judicial temperament. Senator SAM J. ERVIN, JR., of North Carolina, my colleague, has spent nearly a third of a century as an inferior judge, superior court judge, and justice of the Supreme Court of North Carolina and is an example of the type of men that were selected for this arduous and unpleasant task.

This committee, after more than a month of public hearings, study, and deliberations, sifted and heard evidence on the many charges filed in the Senate against the junior Senator from Wisconsin [Mr. McCARTHY]. In their obvious desire to be fair, the committee resolved every reasonable doubt and, in a number of instances, every possibility of a doubt in favor of Mr. McCARTHY. In doing so they threw out many of the charges against Mr. McCARTHY, and while holding and finding that they were serious charges, finally agreed to recommend to the Senate of the United States censure of Mr. McCARTHY on only two of the charges.

In the first instance, they made findings of fact, and upon such findings reached the conclusion that the conduct of Mr. McCARTHY toward the Subcommittee on Privileges and Elections, its members, including

the statement concerning Senator HENDRICKSON, acting as a member of the subcommittee, and toward the Senate itself, was contemptuous, contumacious, and denunciatory, without reason and justification, and was obstructive to the legislative function and process. For this conduct the select committee recommended that Mr. McCARTHY be censured by the Senate.

I want to state emphatically and in utmost good faith that I am in accord with and subscribe to the recommendations of the select committee on this particular matter and shall attempt to tell you why.

The above-referred-to and legally conducted Subcommittee on Privileges and Elections, acting under the direct orders of the United States Senate, was inquiring into matters affecting the honesty, sincerity, character, and conduct of Senator McCARTHY. These charges against Mr. McCARTHY were of such nature that the integrity, honor, and dignity of the United States Senate was directly involved. Time and time again the Subcommittee on Privileges and Elections, through its chairman and through the medium of letters, called upon Mr. McCARTHY to come before the committee and to offer at least some explanation of the serious and grave charges made against him. Senator McCARTHY not only failed to make any appearance and any explanation whatever to this duly constituted committee, but continuously, through the medium of the press, in public addresses, and in other ways, referred repeatedly to the Senate Subcommittee on Privileges and Elections as a dishonest committee. Time and time again, in his public utterances, press releases, in letters addressed to members of this subcommittee, he stated that the committee was using funds appropriated by the Senate for other purposes and were stealing from the taxpayers' money. He issued a public press release stating that a member of the subcommittee, Senator ROBERT HENDRICKSON, Republican, of New Jersey, was "a living miracle—without brains or guts." History does not record that the official acts of a Senator of the United States have ever been the subject of such continuous vile, vulgar, and insulting language by a fellow Senator.

These were the findings of fact of the select committee, and it should be interesting to you to know that Mr. McCARTHY has not denied these public statements and has likewise admitted that he wrote and signed the letters to the committee which contained this insulting language.

The select committee in recommending censure of Mr. McCARTHY on this count took the position that Mr. McCARTHY had the right to question, to be critical of, and to condemn the official acts of, any Member of the Senate of the United States, as well as the findings, conclusions, and recommendations, of any Senate committee. However—and the writer shares this belief and feeling of the select committee—no Member of the Senate has a right to impugn the motives of individual Senators responsible for official action, nor to reflect upon their personal character for what official action they took. It is my opinion, and I think it is shared by a majority of the Members of the Senate, that to permit such continual disorderly behavior and such statements would bring about the complete destruction of the Senate processes and procedures.

Even before the select committee had filed its report with the Senate, Mr. McCARTHY in public utterances, and in press releases, referred to the Senate's consideration of the motion of censure as a lynching party, with all of its vile and ugly implications. Since the report was filed with the Senate last week, Mr. McCARTHY has continued his constant pattern of heaping abuse and insults upon the members of the select

committee as well as on the Members of the Senate who do not subscribe to his defense. He publicly stated that the select committee was "the unwitting handmaiden of the Communist Party, that the committee in its report was guilty of discrepancies, inaccuracies, and misrepresentations; that the Communist Party had reached its tentacles into the Senate itself and that the members of the select committee were attorneys in fact of the Communist Party." He has likewise stated publicly that the distinguished chairman of the select committee, Senator WATKINS, Republican of Utah, was stupid and cowardly.

Some feel indebted to Mr. McCARTHY for fighting communism. In that connection I would like to respectfully call your attention to the fact that at no time in the history of Mr. McCARTHY's experience as a Member of the Senate or as chairman of the Permanent Senate Investigating Committee has he been able to obtain evidence against any person, sufficient to convict that person for subversion or traitorous acts.

I could give the names of many great Americans, Members of both the Senate and the House of Representatives, who have valiantly and effectively lead the fight against communism and subversion in Government. None of these men has ever been investigated or called to task by either the Senate or the House of Representatives. Why? The answer is simple. They have gone about their job without fanfare and without trying to make it appear that they alone were the symbol of the fight against communism. Mr. McCARTHY's counsel, in his law brief, filed in the report, admits that there may be instances, where language spoken by a Senator about a colleague, and not on the floor of the Senate, could have a real and immediate tendency to obstruct the legislative function or process and could therefore be censurable. Certainly no fair-minded person under their oath as a Member of the Senate of the United States can say that the language and conduct of Mr. McCARTHY has not obstructed or endangered the legislative function of the Senate. The time is here when the Members of the Senate of the United States must face the issue of having its legislative processes and functions endangered, obstructed or destroyed by Mr. McCARTHY, or anyone else. Unfortunately in the eyes of a number of Americans, Mr. McCARTHY makes it appear that a vote of censure for his insulting, abusive, vile, and disorderly behavior is a vote in favor of communism.

In addition to this recommendation of censure the select committee has likewise recommended that Mr. McCARTHY be censured because of the language and the method and tactics used in the examination of a witness who appeared before the Senate Permanent Committee on Investigations. The select committee found as a fact that his treatment, abusive language and conduct of Gen. Ralph W. Zwicker was insulting and calculated to humiliate and was in no sense or manner justifiable.

The evidence now discloses that at the time General Zwicker testified, at which hearing he was referred to publicly by Mr. McCARTHY as a fifth amendment general, a disgrace to the Army uniform and a man unfit for any service of the United States, that Mr. McCARTHY knew all of the facts and circumstances about which General Zwicker was called upon to testify. Mr. McCARTHY likewise knew that General Zwicker did not believe in coddling or protecting communism or those who followed the Communist line, and further knew that at the time General Zwicker testified that he, General Zwicker was under a Presidential directive or order forbidding him to give any information pertaining to the promotion and honorable discharge of Major Peress, the subject under investigation.

I have read and reread the testimony of Gen. Ralph Zwicker and the cross-examination of General Zwicker by Mr. McCARTHY and by the counsel of Mr. McCARTHY's committee, Mr. Roy Cohn. I have likewise read the testimony of Mr. McCARTHY given before the select committee and it was at that time that Mr. McCARTHY stated that he knew and had known, prior to his examination of General Zwicker, that General Zwicker had no sympathy for the Communist Party or for anyone who followed the Communist line. He, Senator McCARTHY, likewise testified under oath before the select committee that he was familiar with and had in his possession a copy of the Presidential directive which prohibited General Zwicker from testifying in detail on the matters and things involving Major Peress.

I am in full agreement with the select committee that Mr. McCARTHY should be censured for this disorderly behavior. Had Mr. McCARTHY honestly believed that General Zwicker was sympathetic to anyone who had Communist inclinations, and if he had not known of the Presidential Executive directive, I could then have readily understood how he could have been provoked to the extent that he might have used the language that he did about General Zwicker. It has now been publicly announced from the floor of the Senate that a new charge of censure will be lodged against Mr. McCARTHY for disorderly behavior, including the vile language and insults of several members of the select committee and the Senate itself, since it began the consideration of Senate Resolution 301. There will be no necessity for referring these admitted and known acts of disorderly behavior of the junior Senator from Wisconsin as they were committed in the presence of the Senate, including his speeches on the Senate floor. I shall vote to sustain this additional censure motion.

I am sure Senators are familiar with article 1, section 5, of the United States Constitution which provides as follows:

"Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member."

It is a duty of the Members of the Senate to determine whether or not Mr. McCARTHY has been guilty of disorderly behavior and if this determination is made it is the inescapable duty of the Members of the Senate to publicly reprimand him for such disorderly behavior, however personally distasteful, I regret that Mr. McCARTHY has conducted himself in such a way that the Senate is called upon to determine if he has been guilty of disorderly behavior. But since he has been so charged and since, in my opinion, the evidence is so clear, cogent, and convincing, I cannot escape my responsibility by taking refuge with those who may believe that a motion of censure for Mr. McCARTHY will be construed as being soft on communism.

Mr. FULBRIGHT. Mr. President, I wish to say that I sincerely regret the illness of the junior Senator from Wisconsin. I have only recently left the hospital myself, after I had a cartilage removed from my right knee. I went home on the fifth day after the operation, which is considered a rather difficult one. I merely wish to remind the majority leader that in the debate on August 2 I opposed the referral of the resolution to a committee and the postponement of consideration of this matter. It was not because I did not have the greatest respect for the Senators who were to compose the committee, although I did not know at that time who they would be.

In any case, I wish to congratulate the members of the committee. I believe they have done a magnificent job. I believe the presentation on the part of all of them has been extremely fine, and I have no complaint about that at all. In fact, I must confess that perhaps I was in error in my view back in August that the committee would find itself unable to fortify the evidence already in the record with respect to the junior Senator from Wisconsin. I did not at that time realize that many Senators were not as well acquainted with the junior Senator's activities as I was. Apparently not all Senators had made as thorough a study as I had made of what he had done in the various committees. Therefore, I believe the select committee rendered a great service.

I merely remind the majority leader that in the discussion and debate which took place during the latter part of July and early part of August he morally committed himself and his party and everything he has at his command in the Senate to bring the matter to a vote.

This is an unfortunate development which has now come before the Senate. However, in all fairness, I do believe that the suggestion of the Senator from Oregon [Mr. MORSE] is a sound and equitable one. It is true we feel very sorry for an individual who is indisposed. We always do. However, there are a great many others of us who are greatly indisposed by this special session. I had to go to New York as a delegate to the United Nations. It caused a great deal of trouble, as well as considerable expense, as everyone knows, who has been there. I had to return to attend the special session. I suppose now I shall be faced with the necessity of returning to New York for a week and then coming back to Washington.

In any case, the indisposition is not all on one side. Therefore, all the generous sympathy the Senator from Illinois expressed should not be reserved for the junior Senator from Wisconsin. All of us have been put out considerably on account of the activities of the Senator from Wisconsin. As a matter of fact, he has occupied a very large proportion of the time and thought of the Senate and of the executive department during the past 3 years.

I certainly believe that it is time for a vote to be taken. I do not know what the outcome of the vote will be. However, in all fairness, coupled with the motion to adjourn we should have a unanimous-consent agreement for a vote. I do not care what the date is, but a date should be fixed on which the Senate is to vote before the Senate adjourns sine die. I certainly understood the Senator from California, the majority leader, to assure the Senate we would have a chance to vote at some time before the Senate adjourns sine die.

The majority leader knows very well, if the Senate adjourns to the 29th, it will be a relatively simple matter to prevent a vote before the 24th of December, if the opposition to the resolution so desires. I certainly do not want to appear in the position of heartlessness, or

anything of that sort. All of us have had similar indispositions and illnesses. On the authority of the letter from Dr. Calver it would appear that the illness of the junior Senator from Wisconsin is not of major proportions, and that he does not seem to suffer from a serious disease, and I do not doubt that he will recover.

In the meantime, we will have a delay to a point where it would be a simple matter, as the Senator from California knows, to prevent any vote. Those of us who have been interested in this matter believe that it is desirable to have a vote at some time before the Senate adjourns sine die.

Therefore, I respectfully submit that it is the majority leader's obligation to request such unanimous consent. If such unanimous consent is not granted, I cannot in good faith vote for the resolution to be offered by the majority leader.

Mr. KNOWLAND. Mr. President, I will say to the Senator from Arkansas that the majority leader has been endeavoring during what has been a trying period for all of us—and today is no less trying—to keep in good humor, and I wish to address myself to this subject in that attitude and frame of mind.

I believe the Senator from California, who happens to be charged with the responsibility of occupying the majority leader's chair at the present time, thoroughly understands his obligations to the Senate.

Like most of the other Members of the Senate, if not indeed all of them, I am familiar with the fact that when we adjourned last August, whether we were candidates for election or whether we were not candidates, all of us knew we would engage in an important campaign, which took place as a part of the American constitutional process.

The day after that campaign was over I left California to return to Washington for this session and for some preliminary matters, including a meeting of a joint committee on which I have the responsibility of serving.

Neither my wife nor I have had an opportunity to enjoy a holiday, and I am very desirous of doing that for reasons which are entirely personal. However, I wish to say to the Senator from Arkansas that, so far as the majority leader is concerned, there is no interest in, and there will be no support for, any effort to prevent a vote on the pending resolution in the 83d Congress. I believe the Senate has a responsibility to settle this matter and to bring the resolution to a vote before it adjourns sine die. To the best of my ability, and with all the advice I might give to my colleagues on this side of the aisle—and I have no right to advise any Senator on the other side of the aisle—

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Texas. I merely wish to say that the minority leader does not need any advice. However, he does wish to associate himself with the endeavors of the majority leader to bring this matter to a vote at the earliest possible date.

So far as the minority leader and, I am sure, the minority as a whole are concerned, we are willing to begin the sessions of the Senate as early in the morning as possible and stay in session as late at night as we were required to do in the regular session of the 83d Congress before we adjourned. The majority leader can speak for both of us insofar as setting the schedule is concerned, and to sit as long as Senators are able to sit and listen to the debate.

Mr. KNOWLAND. Mr. President, I wish to thank the Senator from Texas.

I have stated the background and the facts, fully realizing that perhaps in some quarters criticism will be made—I think not in the Senate; I hope not, but if here, I am prepared to accept the responsibility; perhaps in the public press; I hope not, but if under our system of the free press such criticism is leveled, I am prepared to accept it. Inasmuch as I have served in the position of majority leader in a body divided so closely as this body has been during the 83d Congress, and since in the 84th Congress it will be divided equally closely, I can say in entire good humor that not only does the new majority leader who sits across from me have my congratulations with reference to the position which he will soon occupy, but he also has my deepest sympathy, because these problems are not easy of solution. Someone has to take some responsibility and I am prepared to take mine.

I have before me the resolution—as I have indicated it will be offered by me—which reads as follows:

Resolved, That the Senate, at the conclusion of its business today, adjourn until Monday, November 29, 1954, at 12 o'clock meridian.

It is entirely within the hands of this body to amend it if it is so desired, but that is my recommendation to the Senate, based on the facts before me, amply spelled out here today, and on my responsibility as majority leader of the Senate; since I hold this position of responsibility, I am going to offer that motion, and any Senator may amend it if he so desires. I send it to the desk for the information of the Senate.

Mr. MALONE. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I shall be glad to yield.

Mr. FULBRIGHT. Mr. President, I thought the Senator from California was responding to my inquiry.

Mr. KNOWLAND. I think the Senator is correct. I do not have the floor. I felt I should make that statement and I have made it. The Senator has all his rights, under the rules, as a Senator of the United States.

Mr. FULBRIGHT. I appreciate that. If I correctly understand the Senator's response, it is that he is not willing to ask unanimous consent that some time prior to the adjournment of this session of the 83d Congress we come to a vote on Senate Resolution 301.

Mr. President, if no other Senator is willing to ask it—and I take it from the attitude of several Senators who have spoken that it will not be granted—I

make the unanimous-consent request that in view of adjournment to the 29th of November, when we return, the matter be brought to a vote not later than the 20th of December. I couple with it the usual request that nongermane matters be excluded, if that is a permissible request to make at this time.

Mr. JENNER. Mr. President, reserving the right to object—and I shall object—I want to cite my authority, which is none other than the very, very distinguished Senator from Oregon [Mr. MORSE], who said:

Furthermore, Mr. President, I have already said on the floor of the Senate that, as a matter of policy, I believe unanimous-consent agreements to have the Senate vote at a certain hour represent a very bad policy, as a general habit, insofar as the Senate is concerned. It leads to steamroller tactics—

I am sure no one wants to do that.

I read further:

and it results in the situation that Members of the Senate will not be on the floor of the Senate with open minds, subject to change, in accordance with the evidence and the arguments offered on the floor.

I remind my colleagues that when the debate closed yesterday there was a great crowd of seven judges present. I do not know where the others were.

Mr. President, the very, very distinguished Senator from Oregon said, further:

Once before I submitted a detailed analysis of the history of unanimous-consent agreements in the Senate, going back a great many years. The fact is, Mr. President, that as we examine the statistics, we find that the unanimous-consent agreements are clustered around recent dates. They are a new development, and I think that development is an unsound one.

Therefore, on the ground of that general policy, I shall object to any such request for a unanimous-consent agreement, although, as I have always said, I shall reserve the right, in specific cases—

I presume this is a specific case—when I am satisfied that debate upon the merits of an issue has been fulfilled—

Has the debate been fulfilled? Here is a member of the select committee who gave this body new facts which had never been considered by the select committee. I wonder if the very, very distinguished Senator from Oregon was present today to hear the facts presented.

I could go on and on, but I take as my authority the distinguished Senator from Oregon, and I object.

Mr. MORSE. Mr. President, will the Senator from Indiana yield?

Mr. JENNER. I yield.

Mr. MORSE. Has the Senator any further objections?

Mr. JENNER. No. That is all.

Mr. MORSE. Mr. President, I wish to thank my friend from Indiana for reading with such "friendly emphasis" the policy position of the Senator from Oregon on unanimous-consent agreements. I do not change that policy position, Mr. President. Time and time again, as the majority leader and the minority leader can testify as my witnesses, I have cooperated in obtaining unanimous-consent agreements whenever, in my opinion, the

exception clause read by the Senator from Indiana had been met on the floor of the Senate, and when I was satisfied that the minority interests were being protected by being given full opportunity to present their arguments on the merits of the issue. In the specific case now before the Senate there may be more things to be said on the issue, but I respectfully suggest, Mr. President, that many of them will be redundant and repetitive. Certainly, if we reconvene on November 29, a unanimous-consent agreement to vote 10 days thereafter will give every Senator ample opportunity to bring out all the pros and cons on this issue. It is only when I am satisfied in a specific case that there is an attempt to throttle the minority and prevent full debate that I object to unanimous-consent agreements as a matter of policy. The Senator from Indiana [Mr. JENNER] certainly can be charged with knowledge of my policy on this matter and his attempt to becloud it is not going to fool the Senate or the country.

I repeat, Mr. President, that my record on this matter will continue to be my policy. Here we have an instance of a unanimous-consent agreement offered which calls for days and days of debate, and it certainly gives everyone an opportunity to present the merits of the pros and cons of the arguments on the pending censure resolution. In my judgment, any refusal to go along with an agreement calling for a final vote by December 20 is a confession that Senators do not want to vote at all on this issue before the required hour of adjournment on December 24.

Mr. STENNIS. Mr. President, may I ask the majority leader a question?

Mr. KNOWLAND. I shall be glad to have the Senator from Mississippi ask a question.

Mr. STENNIS. Mr. President, I have already expressed my sentiments to the minority leader with reference to the question of carrying over this matter because of the condition of the health of the junior Senator from Wisconsin. I have conferred with the chairman of the select committee, this afternoon, and he has expressed sentiments which I shall not repeat, but in which I join.

But there is a serious question in my mind, and it is this: Has the junior Senator from Wisconsin requested that the matter be carried over, or has his attorney or anyone who speaks for him on the floor made such a request? I think we should know about that. I have heard quoted a radio broadcast which, if it was correct, indicated that the junior Senator from Wisconsin desired to have the Senate continue in session and to vote on the matter.

I do not believe that such a request would be controlling upon the Senate, because if the junior Senator from Wisconsin were not able to be present, the Senate could continue the debate even if he objected.

The point I make is that the Senate is entitled to know whether the junior Senator from Wisconsin has requested a postponement, either himself or through his attorney or anyone else who speaks for him.

Mr. KNOWLAND. So far as I know, the junior Senator from Wisconsin himself has not requested any postponement. When the letter was finally delivered by the attending physician of Congress during the recess, I supplied, as I have heretofore stated, a copy of the letter to the distinguished minority leader, and I then consulted with the persons with whom I indicated I had consulted.

I then sent for Mr. Edward Williams, who is counsel for Senator McCARTHY, and who has been sitting on the floor next to him. I read him the text of the letter, which I thought was proper procedure and should be done, and told him what I intended to do.

Mr. Williams expressed to me his personal opinion—and I did not base my recommendation on his opinion, but rather on the medical advice contained in the letter I received; but since the Senator from Mississippi has raised the question, I desired him to have the advantage of all the information I have received in the matter—Mr. Williams expressed it as his personal opinion, he having seen Senator McCARTHY briefly last night, and having informed me that the doctor in attendance was really disturbed that the Senator had had a visitor even last night, that Senator McCARTHY was not in a position to conduct his own defense.

That is the only information I have to offer to the Senator from Mississippi or to the entire Senate.

Mr. STENNIS. If I understand correctly, Mr. Williams, the attorney for the junior Senator from Wisconsin, reported to the Senator from California that the attending physician said—

Mr. KNOWLAND. No, no. Mr. Williams told me that, in his personal opinion, he thought Senator McCARTHY's condition, as he observed the Senator last night, was such that he did not believe Senator McCARTHY was in a position to conduct his own defense, and he doubted whether the Senator would be in a position to do so in so short a time as the Senator had indicated. But that was not a medical opinion; that was the opinion of counsel, to whom I read the letter.

Mr. STENNIS. I think the opinion of counsel in the case would be very serious and entitled to great weight. But I did not want to be confronted with the fact that after the Senate had taken this action and had recessed, the contention of the junior Senator from Wisconsin would be that he did not desire it to be done.

Mr. KNOWLAND. It was for that reason, among others, that I felt I had an obligation—and I discussed the matter with the minority leader—to call in the attorney who is representing Senator McCARTHY, and to lay before him the letter which I had received from the attending physician.

With the information Mr. Williams supplied, not as medical information, because I assume he is not a medical man, I did not feel warranted, under the circumstances, in asking for a personal interview with Senator McCARTHY, because it had been indicated to me by his counsel that the doctors had been disturbed that even Mr. Williams had visited Senator McCARTHY last evening.

Mr. STENNIS. I can appreciate those facts.

I observe on the floor Mr. Williams, the attorney for Mr. McCARTHY. During the hearings I learned to know and respect him very highly, both personally and as a lawyer. Of course, he may not speak on the floor, but I am certain he would correct this impression if it were not correct. As I understand, he, as attorney for Senator McCARTHY, made the representation to the majority leader that, in his opinion, Senator McCARTHY is unable properly, from his standpoint, to conduct his case before the Senate.

Mr. THYE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. THYE. Would it not be improper for the Senate to continue discussing that which is of a personal nature and is against the character of a Member of the Senate, if that Member were confined to a hospital upon the orders of his doctor? As one Member, I would not wish to deliberate any further concerning that Member until such time as he was able to come to the floor.

Mr. STENNIS. I said that even though there were a request on the part of the junior Senator from Wisconsin for the Senate to continue, it might still be the duty of the Senate to recess. I made that clear in the beginning. At the same time, if the junior Senator from Wisconsin is objecting to the proposed recess, I think the Senate ought to know about it now.

Mr. KNOWLAND. Mr. President, I desire to make one change in my statement. Following the suggestion of the Senator from Mississippi, I spoke to Mr. Williams. He said that the statement I had made was substantially correct, as he recalled it, with one addition.

I now recall that Mr. Williams stated that when he saw Senator McCARTHY, Senator McCARTHY himself had expressed the hope that the matter would not be postponed merely because the junior Senator from Wisconsin was in the hospital.

Mr. STENNIS. I think the information which we have now received has entirely cleared up the matter. I thank the majority leader.

I wish to make it clear that I am not in favor of proceeding until the junior Senator from Wisconsin is able to be present, even if it should be his opinion that the Senate should proceed.

SEVERAL SENATORS. Vote! Vote! Vote!

SUBCOMMITTEE MEETING DURING SENATE SESSIONS — MINERALS, MATERIALS, AND FUELS ECONOMIC SUBCOMMITTEE OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. MALONE. Mr. President, I ask unanimous consent that the Minerals, Materials, and Fuels Economic Subcommittee of the Committee on Interior and Insular Affairs may proceed to conduct their business in accordance with the modified schedule already established.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LANGER. Mr. President, reserving the right to object, I should like to ask a question of the distinguished junior Senator from Illinois, provided I may have unanimous consent to do so without his losing the floor.

I have been very much impressed by the very eloquent speech of the junior Senator from Illinois; in fact, it brought tears to my eyes. I wondered if we should not include in the resolution a provision for the sending of flowers to Senator McCARTHY; and whether we should not debate the kind of flowers which should be sent, whether they be forget-me-nots, chrysanthemums, or roses.

I should like to have the opinion of the distinguished junior Senator from Illinois as to whether this should not be done as an act of sympathy on our part. It would be a very fine gesture to send flowers, in view of the fact that the junior Senator from Wisconsin is disabled and is in a hospital.

Mr. DIRKSEN. Mr. President, am I at liberty to answer?

The PRESIDING OFFICER. The Senator from Nevada [Mr. MALONE] has the floor.

Mr. MALONE. Mr. President, the request for unanimous permission for my subcommittee to proceed with our work in accordance with the modified schedule already adopted has already been granted.

Mr. KUCHEL. Mr. President, what was the unanimous-consent request? Senators in the rear of the Chamber cannot hear what is being said.

The PRESIDING OFFICER. The unanimous-consent request was that the Economic Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs be permitted to conduct their business in accordance with the modified schedule already established. The Senator from North Dakota [Mr. LANGER] reserved the right to object. The Chair has not yet heard objection.

Mr. ANDERSON. Mr. President, the request is not a request of the Committee on Interior and Insular Affairs; it is a request of the Economic Subcommittee on Minerals, Materials, and Fuels.

The PRESIDING OFFICER. It is a request of the Economic Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs.

Mr. KNOWLAND. Mr. President, has unanimous consent been granted for the request made by the distinguished senior Senator from Nevada?

The PRESIDING OFFICER. Without objection, the request is granted.

The Senator from Nevada has relinquished the floor; the Senator from Illinois has the floor.

ORDER OF PROCEDURE

Mr. KNOWLAND. Mr. President, will the Senator from Illinois yield, so that I may make an additional statement?

Mr. DIRKSEN. I yield.

Mr. KNOWLAND. This statement will not foreclose any further discussion, but, in view of the general discussion which has taken place, I might say that,

from a parliamentary point of view, the adoption of the resolution itself will not adjourn the Senate until November 29; it will merely become an order of the Senate, which will be subject to a later motion to adjourn.

On the resolution, I ask for the yeas and nays. I am not asking for a vote at this time; I am merely requesting the yeas and nays on the resolution.

The yeas and nays were ordered.

COMMITTEE MEETINGS DURING ADJOURNMENT PERIOD

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KNOWLAND. I really do not have the floor in my own right; I have it by courtesy of the Senator from Illinois [Mr. DIRKSEN].

Mr. MANSFIELD. In line with the request of the Senator from Nevada [Mr. MALONE], may we assume that all committees will have a right to meet during the recess?

Mr. DIRKSEN. Mr. President, I have the floor.

The PRESIDING OFFICER. The Chair wishes to answer the question propounded by the Senator from Montana.

Mr. DIRKSEN. Mr. President, I make the point of order that I have the floor. If the Senator from Montana will now address me, I shall be delighted to yield for a question or two without losing my right to the floor.

Mr. MANSFIELD. I have no questions to ask at this time. I thank the Senator.

Mr. DIRKSEN. Mr. President, I now yield to the distinguished Senator from North Dakota.

Mr. LANGER. Mr. President, I should like to know whether or not, under the ruling made or agreement entered into, during the recess the subcommittees of the Judiciary Committee must ask for unanimous consent in order to be permitted to sit.

Mr. KNOWLAND. Mr. President, I would rather address a parliamentary inquiry to the Chair than attempt to answer that question, but when the Senate is not in session I believe that the Senate committees have whatever power and authority they have to function during recesses or adjournments of the Senate without getting permission of the Senate specifically to do so. Subsequent to my brief statement, I shall make a parliamentary inquiry. I think the requirement for getting unanimous consent stems from the fact that the duty of Senators is to be in the Senate Chamber while the Senate is in session. In order to be excused, so that they will not be brought in perhaps by the Sergeant at Arms if there is a quorum call, or in order that Senators may be permitted to leave while the Senate is debating, it is customary to ask unanimous consent that such committees may meet while the Senate is in session.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KNOWLAND. Is there any rule requiring that a standing committee of the Senate or its properly authorized

subcommittees must gain the permission of the Senate to meet during the period of time the Senate may be either in recess or in adjournment?

The PRESIDING OFFICER. The Chair is informed that there is no such requirement. On the other hand, there is a rule, which the Chair will read:

No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit, without special leave, while the Senate or the House, as the case may be, is in session.

Mr. LANGER. Mr. President, I therefore ask unanimous consent that the Committee of the Judiciary—

Mr. KNOWLAND. If I may interrupt the Senator, I wish to tell him that it is not necessary that he ask unanimous consent for the committee or subcommittees to sit during the period of a recess or adjournment.

Mr. HENNING. Mr. President—
The PRESIDING OFFICER. The Senator from Illinois has the floor.

ORDER OF PROCEDURE

Mr. DIRKSEN. I know that my very distinguished colleague from the great open spaces in North Dakota is never facetious, and his question to me was in the utmost of good faith, as to whether or not the Senate should send flowers to our colleague.

That is an individual matter, Mr. President. The only thing I know in the rule book about flowers is that there is in the general rules appertaining to the Senate a provision that flowers must not be brought into the Senate Chamber.

I think the matter of sending flowers to an ill colleague is a matter to be decided by individual Senators. With all modesty, I may recall the fact that during the last session one of the very diligent and devoted reporters of debates of the United States Senate collapsed in the course of his work. To me it was rather strange that no Senator bothered to send him any flowers in his distress. One Senator may have; I would not wish to comment on that. But any Senator is at liberty to send flowers to the Naval Hospital if the sweet and gentle spirit moves him.

One other thing I must allude to, because I cannot let it go unchallenged. My very distinguished friend from Oregon—and I wish he would listen for a moment—

Mr. MORSE. I always listen to the distinguished Senator from Illinois.

Mr. DIRKSEN. I am grateful indeed for this attention.

Mr. President, the Senator said it was a kind of confession to make, if we have failed to adopt some kind of a rule that would actually assure a vote on the pending measure. I know of no juridical body in the world, I know of no court in the world, wherein the complaining witness, or one of the complaining witnesses, must first present his complaint to the grand jury and then go before the judge and state that the judge ought to limit the time of the defense.

The distinguished Senator from Arkansas [Mr. FULBRIGHT] is in the same position. He is one of the complaining

witnesses, and it appears in the testimony and in the hearings as to who filed the charges. He suggests now to the Senate that it limit the debate, that the Senate limit the defense.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I did not originate the suggestion. It was only in response to the request by the Senator from Illinois, or at least he and his friends, for this very unusual delay, that the proposal was made. I did not initiate the move for limitation. It was only in response to the move that has been made on the other side of the aisle that the Senate suspend this discussion.

Mr. DIRKSEN. The junior Senator from Illinois is astounded at that observation. I know of nothing, by direction, indirection, word, deed, sign, or gesture, on the part of the junior Senator from Illinois that might have conveyed to any Member of this great deliberative body that there should be a limitation on the defense. Who knows how long the defense needs? The chief defendant, if one may call him that—he is not a defendant in my book—is not present. He is the only one who can speak for himself. The proposal simply violates every juridical rule of which I have any knowledge, that when a man's political future is in jeopardy, there shall be afforded him unrestrained opportunity to defend himself. That is why there is provision that a series of appeals can be taken. That is why in any court of the land an attorney can note every exception in the record and take the case to the highest court before ultimate judgment is pronounced. There will be no appeal from the judgment of this body. There is no statute of limitations to be imposed.

I do not go along with the suggestion that the Senate is sitting as a court. There is not a single judicial attribute about the Senate of which I know. First of all—and I may just as well complete this observation before I yield to my friend from Oregon—Federal judges hold terms for life, conditioned on good behavior. If the Senate is a court, if we are judges, this is a peculiar court, indeed, elected by the people, and sitting in a political atmosphere, where letters and telegrams by the ton, as well as persons, can pressure the court. That would be an amazing court, would it not?

There is no attribute of a judicial body in this so-called court. This is a legislative trial, Mr. President, and I trust when the time comes for me to make some amplifying remarks, I shall be able to dig deeply into the works of the very distinguished jurist, former dean of the Harvard Law School, Roscoe Pound, who made researches in this field, and wrote about legislative trials.

I am not disposed to detain the Senate further, but I did not believe the observation of my esteemed friend from Oregon should go unchallenged. I yield the floor to him.

Mr. MORSE. Mr. President, my reply will be very brief. I think my good friend from Illinois is using an argu-

ment by analogy to court procedure up to the point he thinks will serve his purpose. Then he shifts his ground and pleads for unlimited debate on this censure resolution forgetting that under his own court procedure analogy defendants are subject to fair procedures aimed at bringing the trial to an end within a reasonable time. I shall not even attempt to carry the argument by analogy I now make into complete and analogous detail, but in no small sense can it be said that the lower court or the lower tribunal has already acted on this censure charge. The trial of the charge was held before the select committee. We are not conducting a de novo trial. The Senate is sitting in review to press this argument by analogy a bit further. We are sitting in the capacity of an appellate tribunal.

It is a common practice for appellate tribunals to put reasonable time limitations upon argument. All they have to make certain of is that it is a reasonable exercise of judicial discretion, and the decision of the appellate court will stand, no matter how high upstairs one takes it, even to the great judicial cathedral across the way, the Supreme Court of the United States.

Mr. HENNINGS. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. Mr. President, I do not yield at this point.

I wish to say that all the elements of justice will be protected by the imposition of a reasonable period of time for argument on the part of the McCarthy defenders and on the part of those who are opposed to the position taken by the McCarthy defenders. I am certain that even the Senator from Illinois [Mr. DIRKSEN] would find ample time, in the period of time between November 29 and December 20, to present even the most exhausting arguments—which certainly he is very capable of making—to the Senate.

Mr. President, I wish to say that when I spoke a few moments ago about a dilatory tactic which would seek to prevent a vote by the Senate by the time of final adjournment, and when I referred to it as a confession of delay tactics on the part of those who may entertain such an intention I meant it. I repeat it. I do not know whom they think they are kidding, but certainly they are not kidding the Senator from Oregon. Neither will they fool the American people.

This afternoon, Mr. President, the very simple question before the Senate and before the American people is this: After we convene on November 29, will part of the strategy be so to delay the debate that the Senate will have to adjourn on December 24, without reaching a vote on the censure resolution?

Mr. President, during the debate there has been an attempt to paint the Senator from Oregon as being one without human sympathy. However, Mr. President, not a word of my remarks this afternoon would justify such a conclusion. In fact, quite the contrary is true. I began my remarks by making a plea for procedural fairness to the junior Senator from Wisconsin, as I did some weeks ago when, on the floor of the Senate, I urged that a bill of particu-

lars be filed against the junior Senator from Wisconsin, and I filed one. Before this debate is over I will file my documentation in support of that bill of particulars. I am very happy over the fact that apparently the select committee found that some basis existed for that documentation, because the select committee appears to have made considerable use of it in the preparation of its report.

At this time let me say that the junior Senator from Wisconsin and I disagree fundamentally on many, many issues, including the issue of the procedure he has adopted too frequently in conducting his investigations. But if he were here this afternoon, I think he would say—as I wish to say about him—that there has always been a kindly and friendly personal relationship existing between us. We have had deep professional differences of opinion, but there has been good-natured banter between us almost every time we met, including the other day, when, on the floor of the Senate, I said, "Hello. How are you, Joe? I am glad to see you." And he replied, "Well, I am not sure I am glad to see you but how are you anyway?" We laughed about it, and then proceeded to discuss what had transpired since last we met here on the floor of the Senate. We know that we differ fundamentally on the great issue which is before the Senate, namely, the kind of procedure which should have been followed by the junior Senator from Wisconsin in conducting his investigations.

But, Mr. President, let me tell you, as a Christian I wish nothing but good to the junior Senator from Wisconsin, from the standpoint of his health. I pray a speedy recovery for him; and I hope he can get back here before November 29, so that we can proceed to reach a final disposition of this issue at the earliest possible hour.

Mr. KNOWLAND. Mr. President, I desire to move the adoption of the resolution as soon as I may.

Mr. LEHMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). The Senator from New York will state it.

Mr. LEHMAN. Is it in order for me to propose an amendment to the resolution which has been submitted by the majority leader?

The PRESIDING OFFICER. It will be in order for the Senator from New York to submit an amendment to the resolution, after the clerk has stated the resolution.

The clerk will state the resolution.

The legislative clerk read the resolution (S. Res. 331) as follows:

Resolved, That the Senate, at the conclusion of its business today, adjourn until Monday, November 29, 1954, at 12 o'clock meridian.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. Have the yeas and nays already been ordered on the question of agreeing to the resolution?

The PRESIDING OFFICER. They have been ordered.

Mr. KNOWLAND. As I understand, Mr. President, the Senator from New York will be in order if at this point he submits an amendment to the resolution I have offered; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEHMAN. Mr. President, I have not suggested that the junior Senator from Wisconsin—

The PRESIDING OFFICER. The Chair is informed that the matter is not debatable. If the Senator from New York has an amendment to submit to the resolution, he should do so.

Mr. LEHMAN. Then, Mr. President, I propose—because I think the Senate has a right to know what the condition of the junior Senator from Wisconsin is before the 29th of November, and also because I think—

Mr. CASE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

The Senator from New York has been recognized for the purpose of sending forward an amendment. He will do so, or will relinquish the floor.

Mr. LEHMAN. Then, Mr. President, I propose the following amendment: that the date set forth in the resolution of the Senator from California, namely, November 29, be changed to November 22.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

Mr. KNOWLAND. Mr. President, on this question I ask for the yeas and nays.

Mr. JENNER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

Mr. CASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota will state it.

Mr. CASE. Do I correctly understand that the pending question is on agreeing to the amendment submitted by the junior Senator from New York?

The PRESIDING OFFICER. That is correct.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CAPEHART (after having voted in the negative). I have a general pair with the Senator from Florida [Mr. SMATHERS]. I have voted "nay" on this question. I understand that if he were present and voting he would likewise vote "nay."

The PRESIDING OFFICER. The vote will stand.

Mr. SALTONSTALL. I announce that the Senator from Ohio [Mr. BRICKER] is absent by leave of the Senate on official business.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Oregon [Mr. CORDON], the Senator from Wisconsin [Mr. MCCARTHY], and the Senator from Colo-

rado [Mr. MILLIKIN] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from Ohio [Mr. BURKE], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senators from Georgia [Mr. GEORGE and Mr. RUSSELL], and the Senator from Tennessee [Mr. KEFAUVER] are absent on official business.

The Senator from Iowa [Mr. GILLETTE] is unavoidably detained, and if present would vote "nay."

The Senator from Tennessee [Mr. GORE] and the Senator from Florida [Mr. SMATHERS] are absent by leave of the Senate on official business.

The Senator from Massachusetts [Mr. KENNEDY] is absent by leave of the Senate because of illness.

The Senator from Oklahoma [Mr. KERR] is necessarily absent, and if present would vote "nay."

I announce further that if present and voting, the Senator from New Mexico [Mr. CHAVEZ] would vote "nay."

The result was announced—yeas 2, nays 76, as follows:

YEAS—2

Fulbright Lehman

NAYS—76

Abel	Frear	Martin
Aiken	Goldwater	McClellan
Anderson	Green	Monroney
Barrett	Hayden	Morse
Beall	Hendrickson	Mundt
Bennett	Hennings	Murray
Brown	Hickenlooper	Neely
Bush	Hill	Pastore
Butler	Holland	Payne
Byrd	Hruska	Potter
Capehart	Humphrey	Purtell
Carlson	Ives	Robertson
Case	Jackson	Saltonstall
Clements	Jenner	Schoeppel
Cooper	Johnson, Colo.	Smith, Maine
Cotton	Johnson, Tex.	Smith, N. J.
Crippa	Johnston, S. C.	Sparkman
Daniel, S. C.	Kilgore	Stennis
Daniel, Tex.	Knowland	Symington
Dirksen	Kuchel	Thye
Douglas	Langer	Watkins
Dworshak	Lennon	Wiley
Eastland	Long	Williams
Ervin	Magnuson	Young
Ferguson	Malone	
Flanders	Mansfield	

NOT VOTING—18

Bricker	Ellender	Kerr
Bridges	George	McCarthy
Burke	Gillette	Millikin
Chavez	Gore	Russell
Cordon	Kefauver	Smathers
Duff	Kennedy	Welker

So Mr. LEHMAN's amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the resolution (S. Res. 331) submitted by the Senator from California [Mr. KNOWLAND], that the Senate adjourn until November 29, 1954. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. KNOWLAND. Mr. President, in order that Senators may not leave the Chamber immediately following the vote, I desire to announce—and I take pleasure in making the announcement—that the President of the Council of Ministers of France, Mr. Mendes-France, will visit the Chamber immediately following the yeas-and-nay vote, so I hope Senators will remain to greet him.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. As I understand, the Senate is about to vote on the Knowland resolution providing that at the conclusion of business today, the Senate shall adjourn until November 29.

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CAPEHART (after having voted in the affirmative). I have a general pair on this subject with the Senator from Florida [Mr. SMATHERS]. If he were present and voting, I understand he would vote "yea." I have voted yea, and I ask that my vote stand.

Mr. SALTONSTALL. I announce that the Senator from Ohio [Mr. BRICKER] is absent by leave of the Senate on official business.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Oregon [Mr. CORDON], the Senator from Wisconsin [Mr. MCCARTHY], and the Senator from Colorado [Mr. MILLIKIN] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from Ohio [Mr. BURKE], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senators from Georgia [Mr. GEORGE and Mr. RUSSELL], and the Senator from Tennessee [Mr. KEFAUVER] are absent on official business.

The Senator from Iowa [Mr. GILLETTE] is unavoidably detained, and if present would vote "yea."

The Senator from Tennessee [Mr. GORE] and the Senator from Florida [Mr. SMATHERS] are absent by leave of the Senate on official business.

The Senator from Massachusetts [Mr. KENNEDY] is absent by leave of the Senate because of illness.

The Senator from Oklahoma [Mr. KERR] is necessarily absent, and if present would vote "yea."

I announce further that if present and voting, the Senator from New Mexico [Mr. CHAVEZ] would vote "yea."

The result was announced—yeas 76, nays 2, as follows:

YEAS—76

Abel	Eastland	Knowland
Aiken	Ervin	Kuchel
Anderson	Ferguson	Langer
Barrett	Flanders	Lennon
Beall	Frear	Long
Bennett	Goldwater	Magnuson
Brown	Green	Malone
Bush	Hayden	Mansfield
Butler	Hendrickson	Martin
Byrd	Hennings	McClellan
Capehart	Hickenlooper	Monroney
Carlson	Hill	Morse
Case	Holland	Mundt
Clements	Hruska	Murray
Cooper	Humphrey	Neely
Cotton	Ives	Pastore
Crippa	Jackson	Payne
Daniel, S. C.	Jenner	Potter
Daniel, Tex.	Johnson, Colo.	Purtell
Dirksen	Johnson, Tex.	Robertson
Douglas	Johnston, S. C.	Saltonstall
Dworshak	Kilgore	Schoeppel

Smith, Maine	Symington	Williams
Smith, N. J.	Thye	Young
Sparkman	Watkins	
Stennis	Wiley	

NAYS—2

Fulbright	Lehman
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NOT VOTING—18

Bricker	Ellender	Kerr
Bridges	George	McCarthy
Burke	Gillette	Millikin
Chavez	Gore	Russell
Cordon	Kefauver	Smathers
Duff	Kennedy	Welker

So the resolution (S. Res. 331) was agreed to.

VISIT TO THE SENATE BY THE HONORABLE PIERRE MENDES- FRANCE, PRESIDENT OF THE COUNCIL OF MINISTERS OF THE FRENCH REPUBLIC AND FOREIGN MINISTER

Mr. KNOWLAND. Mr. President, pursuant to earlier announcement, the President of the Council of Ministers of France is in the Capitol. Immediately following the appointment by the Chair of the committee to escort the French Premier into the Chamber, I shall move that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). The Chair appoints the majority leader, the Senator from California [Mr. KNOWLAND]; the minority leader, the Senator from Texas [Mr. JOHNSON]; the chairman of the Committee on Foreign Relations, the Senator from Wisconsin [Mr. WILEY]; and the ranking minority member of the Committee on Foreign Relations, the Senator from Rhode Island [Mr. GREEN], a committee to escort the Premier of France into the Chamber.

Mr. KNOWLAND. Mr. President, I move that the Senate now stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate took a recess, subject to the call of the Chair.

The Senate being in recess, the Honorable Pierre Mendes-France, President of the Council of Ministers of the French Republic and Foreign Minister, accompanied by Mr. Henri Bonnet, Ambassador Extraordinary and Plenipotentiary of the Republic of France to the United States of America, and escorted by the committee appointed by the Presiding Officer, consisting of Mr. KNOWLAND, Mr. JOHNSON of Texas, Mr. WILEY, and Mr. GREEN, entered the Chamber and took the place assigned him on the rostrum in front of the Vice President's desk. Mr. Bonnet was escorted to the seat assigned to him.

The VICE PRESIDENT. Members of the Senate and guests in the galleries, it is my great honor and privilege to present to you on this occasion a very distinguished visitor to the United States and to this legislative body, the Premier of France.

[Applause, Senators rising.]

Premier PIERRE MENDES-FRANCE. Mr. Vice President and Members of the Senate, it is a great and unexpected honor for me to have the privilege of being invited to come on the floor of this great

assembly. I only want, in my very bad English, to thank you for your reception and to tell you how I am moved by the honor which is accorded me of speaking before an assembly which in our country enjoys such high prestige and admiration.

All of us in France know of the great decisions which have been made in this Senate, from which my country has profited. We know that you took a large part in all the decisions and measures which were designed to help my country during the war when we were suffering invasion and occupation, and later which resulted in your sons driving through Europe to achieve our liberation.

So it is a message of gratitude which I wish to convey to you, and I desire likewise that you make known to your constituents the high gratitude my country has for the great Republic which you represent.

I am very sorry not to be able to speak better English than I do, and not be able to express all the feelings which are in the hearts of the people of my country for your country and your great assembly.

[Applause, Senators rising.]

The VICE PRESIDENT. Mr. Premier, I assure you that all the Members of the Senate will agree with me when I say that if anyone of us had the opportunity to appear before the legislative body of France, I doubt if any of us could show such a command of your language as you have exhibited in addressing the Senate in English today. [Applause.]

In keeping with our custom, I believe the Members of the Senate and our guests in the galleries would like to hear responses from the majority leader and the minority leader.

Mr. KNOWLAND. Mr. Premier, on behalf of the Members of the Senate, without regard to partisanship, we welcome you to our country. We recognize that France is our oldest ally, having participated in our own war of independence. We have been allied with France in two great struggles which have taken place when the freedom of mankind was in danger. We, in this country, recognize that should other difficulties face us in the future, France, our great ally in three wars, including our own war of independence, will be stoutly on our side as she has been in the past. You will find in Washington and throughout the Nation a deep love, reverence, and respect for the Republic of France and an appreciation of the heavy responsibilities you have been carrying. [Applause.]

Mr. JOHNSON of Texas. Mr. President, Mr. Premier, and my colleagues, I know that all Senators join with me in the feeling that this is a great occasion and a great day for the Members of the United States Senate. In many past struggles for liberty and human freedom, Mr. Premier, your nation has been allied with ours. As we go down the road searching for the difficult answers that can preserve peace and prosperity for the free world, we are glad that you have come here to attempt to work out with our leaders some of the solutions to the perplexing problems of our times. Your

nation has been one of the great leaders of Western civilization. I trust that as we approach the critical hours ahead, we shall do so in a spirit of confidence, admiration, and mutual trust, guided by only one criterion—what is best for free peoples everywhere. [Applause.]

The VICE PRESIDENT. I know all Members of the Senate will want an opportunity to meet personally the Premier of France. He will now be escorted to the well of the Senate, and the Members of the Senate will have an opportunity to meet him.

The Premier of France was thereupon escorted to the well of the Senate, where he was greeted by Members of the Senate, after which he and the Ambassador retired from the Chamber.

At 5 o'clock and 45 minutes p. m., the Senate reassembled when called to order by the Presiding Officer (Mr. PAYNE in the chair).

SENATOR LENNON, OF NORTH CAROLINA

Mr. STENNIS. Mr. President, I shall not detain the Senate at great length, but I remind the Senate that when the 84th Congress convenes, the term of our friend and colleague from North Carolina [Mr. LENNON] will have come to an end. I did not want this opportunity to pass without saying a word of appreciation for his very fine services in the Senate, which have been outstanding in many respects.

As I recall, Senator LENNON came here only a little over a year ago, on July 10, 1953, in the heaviest days of the session. He had behind him a fine background, as he had been a practicing attorney, a member of the State senate, and a judge in his State. He has a very finely trained judicial mind. On coming to the Senate he took part immediately in the strenuous work of the session, and made valuable contributions to the solution of difficult questions before this body.

I have been most favorably impressed with his conscientious devotion to the public service, his complete impartiality, and the sound conclusions he has reached after thorough consideration of matters which have been submitted to him. I do not know of anyone who in such a short time has made a finer contribution to the work of the Senate. I am certain there are not many who have made as fine a record as he has made in the Senate of the United States.

I congratulate him and express my appreciation, and I am sure that of his other colleagues, for the very high type of service he has rendered. At the same time I extend sincere good wishes as he plans his future, which we know will be helpful to his State and to the Nation.

I trust that his fine family will share with him the rich satisfactions of life which he and they so well deserve.

I desire to recite one incident showing Senator LENNON's passion for duty and willingness to work. He came here during the hectic last days of July 1953. In trying to familiarize himself with all the bills and other measures of a serious nature, I understand he lost more than 15 pounds in about 18 days. That, I think,

is a tribute to him and is somewhat of an indication of the work of the Senate.

Mr. JOHNSON of Texas. Mr. President, the sentiments expressed by the very able and distinguished junior Senator from Mississippi represent, I am certain, the sentiments of every member on the minority side. I have never served with a man more courteous, more considerate, more diligent, more fair than ALTON LENNON. We are all going to miss him. Many times it has been necessary, in my capacity as minority leader, to call on him to assume heavy burdens. Not only has he always been ready and willing to perform any task assigned to him, but he has approached it with a cheerfulness which has always excited my admiration.

He has a penetrating mind. He has a high sense of honor. He is typical of the kind of men whom North Carolina has been in the habit of sending to Congress in the 17 or 18 years I have been a Member.

I suppose I may be pardoned for saying this, but, as a Member of the House, I always thought that Texas had about the best delegation in Congress. It is not unusual for a Texan to feel that way. But if there was a delegation which was equal to that of Texas during the time I was a Member of the House of Representatives, it was the North Carolina delegation.

In every respect, ALTON LENNON has measured up to the high standards set by men like Lindsay Warren and Max Gardner, and by the great men who presently serve in the House of Representatives and who serve in the Senate with us.

Governor Hoey, the late Senator Clyde Hoey, was one of the ablest men I have ever known. He was one of my closest counselors. Willis Smith was a symbol of all that is good, fearless, courageous, and American. I do not know of any representatives of any State who have made me prouder to be in the Senate than have the Senators from the State of North Carolina, including Senator ALTON LENNON.

Mr. KNOWLAND. Mr. President, on behalf of the Members on this side of the aisle, and speaking also for myself individually and in my capacity as majority leader, I would not want this moment to pass without joining in the comments which have been made by the distinguished Senator from Mississippi [Mr. STENNIS] and by my colleague, the minority leader, the distinguished Senator from Texas [Mr. JOHNSON].

We on this side of the aisle who have been privileged to serve with Senator ALTON LENNON have come to have a very high regard for him—for his integrity, his devotion to duty, his capacity for work, and for his interest in the legislative problems which have confronted the Senate in the period of time which he has served with us.

I have felt that he is, and I know him to be, a man of great ability. I hope that government in general, whether it be that of his own State of North Carolina or the Government of the United States, may in the future find use for his outstanding ability and outstanding devotion to public duty. The Nation can little afford to lose from the Government

men of the high standing and sterling character which he has demonstrated in the Senate of the United States.

Though I sit on the opposite side of the aisle, I would not want this opportunity to pass without expressing to Senator LENNON my high personal regard, and the hope that he may find it possible, from time to time, to return and visit with us who have served as his colleagues in the Senate. I can assure him that, as during the period of his service here, he will find as warm a reception on this side of the aisle as he will among his brethren on the other side of the aisle.

Mr. LEHMAN. Mr. President, I wish to avail myself of the privilege of associating myself with the previous speakers, and to express my very high regard for the senior Senator from North Carolina [Mr. LENNON]. It has been a great pleasure and privilege to have served with him for the past several months. I have learned to feel that he was a friend and to admire his many sterling qualities. I share the hope expressed by the majority leader that he will continue to be of useful service to the Nation.

Mr. WATKINS. Mr. President, I have had the great pleasure of serving on committees with three Senators from North Carolina. Senator Willis Smith was a member of the Committee on the Judiciary a part of the time while I was a member of that committee. I learned to love him for his fine ability. He was a great patriot, and it was a severe loss to the Nation and to his own State when he was called to "the other side."

I have also recently served with Judge ERVIN on the select committee, and have found him to be a wise counselor and a great American. He is a very fair and efficient worker in any problem which is presented to him. It has been a great honor to have served with those two men.

I have also had an opportunity, in the very brief time that Senator LENNON has been a Member of the Senate, to serve with him on the Committee on Interior and Insular Affairs. The work of that committee ordinarily would not lie within the experience of men like Senator LENNON, coming from North Carolina, because the problems of that committee, as we all know, are connected largely with the great West, the Territories, and the island and insular possessions.

But Senator LENNON, who served with me on the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, showed a grasp of the Indian problem and a sympathy toward the Indians which helped greatly to further legislation which was pending before the committee, and which was finally passed by the Senate. I wish to join and to be associated with those who have spoken of him today, and to say that he has rendered valuable service in the Senate. I wish for him a future of great and fruitful service to his State and to the Nation.

Mr. LONG. Mr. President, I regret that this body will be without the services of the senior Senator from North Carolina [Mr. LENNON] when the Senate meets after the recess. Certainly the standards which have been set by AL-

LENNON have been the very highest that could be expected of anyone.

He has been courteous to and considerate of his colleagues. He has been a diligent student of legislation. He has spoken seldom, but when he has addressed the Senate, his remarks have been deserving of study by all Members of this body.

I have had occasion to work with the Senator from North Carolina from time to time with respect to pending legislation. I have been very fortunate in that association, because not only did he demonstrate the highest learning, but he also demonstrated integrity, earnestness, and conscientiousness in performing his duties.

We all wish him every success in whatever future endeavor he may engage. I join with others in hoping that he will continue his efforts in the field of public service, because he has served his country extremely well while he has been a Senator.

Mr. HICKENLOOPER. Mr. President, it would be useless for me to attempt to add anything to the expressions of affection, admiration, and respect for Senator LENNON, of North Carolina, other than to endorse, as I sincerely do, what has been said by his friends and associates in the Senate.

I wish to say that my association with Senator LENNON has brought only the highest respect for him on my part, and the greatest admiration for his penetrating understanding of the problems which have come before him, for the high integrity he has shown, for the fine manner in which he has approached his duties, and for the zeal with which he has attempted to carry out, and with which he has carried out, his responsibilities.

I have not enjoyed Senator LENNON's acquaintance as long as I have that of certain other Members of the Senate, but when I have had the pleasure and the honor of serving with him, I can only say that I have been stimulated by the association, and that I now have a twinge of regret at his departure from the Senate.

I trust the departure of Senator LENNON will not end the acquaintance and the association we have all had with him, and I am sure that all his colleagues join me in wishing him well, and in hoping that his talents will continue in the future to be used for the benefit of the public as they have been used so well in the past. We shall welcome Senator LENNON back as often as he shall find time to come.

Mr. MANSFIELD. Mr. President, I wish to join my colleagues on both sides of the aisle in expressing my high esteem and fond affection for the senior Senator from North Carolina, the Honorable ALTON LENNON. We are indeed sorry to see him go, because he has been a prodigious worker during his service in the Senate. We hope that he will come back to visit us very often. We certainly anticipate that his great talents—and they are great as well as many—will be used in behalf of the development of his State and the Nation.

We are indeed sorry that the services of this great Senator will no longer be available to the Senate, but we are happy

in the fact that we have had the honor and the privilege of having become acquainted with him, having seen him at work, and having witnessed the many contributions which he has made to the welfare of his State and his country.

Mr. LENNON. Mr. President, I shall not detain the Senate long. I rise only to express my sincere appreciation for the gracious and kind remarks of my colleagues. I should like to have all the Members of the Senate know that I am grateful for the many kindnesses and courtesies which they have extended to me both on committees and on the Senate floor. I also want all Senators to know that I consider my experience in the Senate to be, and I shall always so consider it, the greatest experience in my life, because of the wonderful relationships I have had with the Members of this body, the United States Senate.

POSTPONEMENT OF HEARINGS ON CONFIRMATION OF NOMINATIONS TO THE ATOMIC ENERGY COMMISSION

Mr. HICKENLOOPER. Mr. President, I should like to announce, so that it may be in the RECORD for all interested to read, that the hearings on the matter of confirmation of nominations to the Atomic Energy Commission will be postponed, because of the adjournment of the Senate, until a later date, either prior to or during the Senate sessions. Since many Senators are leaving Washington, there will not be a quorum available, so the meeting will be postponed until a future time.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. My understanding is that no nominations can be reported by a committee during a recess or an adjournment of the Senate. Is my understanding correct?

The PRESIDING OFFICER. Not without the permission of the Senate.

Mr. JOHNSON of Texas. I thank the Presiding Officer.

ADJOURNMENT UNTIL NOVEMBER 29, 1954

Mr. KNOWLAND. Mr. President, pursuant to the resolution just agreed to, I now move that the Senate stand adjourned.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned, the adjournment being, under the terms of Senate Resolution 331, to November 29, 1954, at 12 o'clock meridian.

SENATE

MONDAY, NOVEMBER 29, 1954

Rev. F. Norman Van Brunt, associate pastor, Foundry Methodist Church, Washington, D. C., offered the following prayer:

Almighty and Eternal God, in whom there is no variableness neither shadow

of turning, we, the sons of time and place, are buffeted about in the stress and strain of life. Help us to know Thee as the polar star by which we may direct our aims and attitudes, that our highest hope may be to do justly, to love mercy and to walk humbly with Thee. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, November 18, 1954, was dispensed with.

LEAVE OF ABSENCE

On request of Mr. CLEMENTS, and by unanimous consent, because of illness in his family, Mr. ANDERSON was excused from attendance on the sessions of the Senate for the next few days.

ORDER FOR ADMINISTRATION OF OATH TO NEW SENATORS AND TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call the oath of office may be administered to new Senators and then that there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Abel	Fulbright	Martin
Barrett	George	McCarthy
Beall	Gillette	McClellan
Bennett	Goldwater	Millikin
Bridges	Green	Monroney
Brown	Hayden	Mundt
Butler	Hendrickson	Murray
Byrd	Hennings	Neely
Carlson	Hickenlooper	Payne
Case	Holland	Purtell
Chavez	Hruska	Robertson
Clements	Ives	Russell
Cooper	Jenner	Saltonstall
Cordon	Johnson, Colo.	Smith, Maine
Cotton	Johnson, Tex.	Smith, N. J.
Crippa	Johnston, S. C.	Sparkman
Daniel, S. C.	Kerr	Stennis
Dirksen	Kilgore	Symington
Duff	Knowland	Thye
Ellender	Kuchel	Watkins
Ervin	Lehman	Welker
Ferguson	Long	Williams
Flanders	Magnuson	Young
Frear	Mansfield	

Mr. SALTONSTALL. I announce that the Senator from Ohio [Mr. BRICKER], the senior Senator from Indiana [Mr. CAPEHART], and the senior Senator from Wisconsin [Mr. WILEY] are absent by leave of the Senate on official business.

The Senator from Vermont [Mr. AIKEN], the Senator from North Dakota [Mr. LANGER], and the Senator from Nevada [Mr. MALONE] are absent on official business.

The Senator from Connecticut [Mr. BUSH], the Senator from Idaho [Mr. DWORSHAK], the Senator from Michigan [Mr. POTTER], and the Senator from Kansas [Mr. SCHOEPEL] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. ANDERSON] is absent by leave of the Senate because of illness in his family.

The Senator from Ohio [Mr. BURKE], the Senator from Texas [Mr. DANIEL], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

The Senator from Illinois [Mr. DOUGLAS] is necessarily absent.

The Senator from Tennessee [Mr. GORE] and the Senator from Florida [Mr. SMATHERS] are absent by leave of the Senate on official business.

The Senator from Massachusetts [Mr. KENNEDY] is absent by leave of the Senate because of illness.

The Senator from Oregon [Mr. MORSE] is necessarily absent.

The PRESIDENT pro tempore. A quorum is present.

CREDENTIALS OF SENATORS FROM NORTH CAROLINA

The PRESIDENT pro tempore laid before the Senate the credentials of SAM J. ERVIN, JR., duly chosen by the qualified electors of the State of North Carolina a Senator for that State for the term ending January 3, 1957, which were read and ordered to be filed, as follows:

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE.

I, Thad Eure, secretary of state of the State of North Carolina, do hereby certify that the State board of elections met on Tuesday the 23d day of November A. D. 1954, in accordance with chapter 163 of the General Statutes of North Carolina, at which time the board did open, canvass, and judicially determine the returns of the votes cast in the election held on Tuesday, November 2, 1954, and certified to me that SAM J. ERVIN, JR., was duly elected United States Senator from North Carolina. (Term ending January 3, 1957.)

In witness whereof, I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this the 23d day of November 1954.

[SEAL]

THAD EURE,
Secretary of State.

The PRESIDENT pro tempore laid before the Senate the credentials of W. KERR SCOTT, duly chosen by the qualified electors of the State of North Carolina a Senator for that State for the short term ending January 3, 1955, which were read and ordered to be filed, as follows:

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE.

I, Thad Eure, secretary of state of the State of North Carolina, do hereby certify that the State board of elections met on Tuesday, the 23d day of November, A. D. 1954, in accordance with chapter 163 of the General Statutes of North Carolina, at which time the board did open, canvass, and judicially determine the returns of the votes cast